

---

Tuesday  
August 15, 1995

# Federal Register

**Briefings on How To Use the Federal Register**

For information on briefings in Washington, DC and Atlanta, GA, see announcement on the inside cover of this issue.



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

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche and as an online database through **GPO Access**, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is \$375. Six-month subscriptions are available for \$200 and one month of access can be purchased for \$35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet to swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial-in users should use communications software and modem to call (202) 512-1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the **Federal Register** Online via **GPO Access**. For assistance, contact the **GPO Access** User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512-1262, or by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$494, or \$544 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$8.00 for each issue, or \$8.00 for each group of pages as actually bound; or \$1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 60 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 512-1806

#### Online:

Telnet swais.access.gpo.gov, login as newuser <enter>, no password <enter>; or use a modem to call (202) 512-1661, login as swais, no password <enter>, at the second login as newuser <enter>, no password <enter>.

Assistance with online subscriptions 202-512-1530

#### Single copies/back copies:

Paper or fiche 512-1800  
Assistance with public single copies 512-1803

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 523-5243  
Assistance with Federal agency subscriptions 523-5243

**For other telephone numbers, see the Reader Aids section at the end of this issue.**

## 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 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

**WHEN:** September 12 at 9:00 am  
**WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)

**RESERVATIONS:** 202-523-4538

### ATLANTA, GA

**WHEN:** September 20 at 9:00 am  
**WHERE:** Centers for Disease Control and Prevention  
1600 Clifton Rd., NE.  
Auditorium A  
Atlanta, GA

**RESERVATIONS:** 404-639-3528  
(Atlanta area)  
1-800-688-9889  
(Outside Atlanta area)



# Contents

## Federal Register

Vol. 60, No. 157

Tuesday, August 15, 1995

### Agriculture Department

*See* Forest Service

#### NOTICES

Import quotas and fees:

Raw cane sugar, and sugars, syrups, and molasses, 42142

### Air Force Department

#### NOTICES

Senior Executive Service:

Performance Review Boards; membership, 42150

### Army Department

#### NOTICES

Meetings:

Military Clothing and Equipment Performance Criteria

Industry/Government Working Group, 42150–42151

### Centers for Disease Control and Prevention

#### NOTICES

Meetings:

Clinical Laboratory Improvement Advisory Committee, 42168

National Center for Environmental Health, 42169

Vital and Health Statistics National Committee, 42168–42169

### Civil Rights Commission

#### NOTICES

Meetings; State advisory committees:

Maryland, 42142

New Hampshire, 42143

New Jersey, 42142–42143

### Commerce Department

*See* Export Administration Bureau

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

### Committee for the Implementation of Textile Agreements

#### NOTICES

Cotton, wool, and man-made textiles:

Bangladesh, 42148–42149

Pakistan, 42148

Export visa requirements; certification, waivers, etc.:

Philippines, 42149–42150

Textile and apparel categories:

Visa and quota requirements; exemptions—

Fashion samples, 42150

### Defense Department

*See* Air Force Department

*See* Army Department

*See* Navy Department

### Education Department

#### RULES

Postsecondary education:

Student assistance general provisions—

Federal family education loan program; institutional cohort default rates; student aid application information verification, 42408

### Employment and Training Administration

#### NOTICES

Agency information collection activities under OMB review:

Proposed agency information collection activities; comment request, 42185–42186

### Energy Department

*See* Federal Energy Regulatory Commission

*See* Southeastern Power Administration

### Environmental Protection Agency

#### RULES

Air quality implementation plans; approval and promulgation; various States:

Ohio, 42042–42045

Clean Air Act:

State operating permits programs—

Ohio, 42045–42046

Hazardous waste program authorizations:

South Carolina, 42046–42067

#### PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:

Ohio, 42130

### Executive Office of the President

*See* Management and Budget Office

### Export Administration Bureau

#### NOTICES

Export privileges, actions affecting:

New York & Southern Lumber Corp., 42143–42144

### Farm Credit Administration

#### RULES

Farm credit system:

Technical assistance and financially related services and member insurance

Correction and effective date, 42029

### Federal Aviation Administration

#### RULES

Airworthiness standards:

Special conditions—

Israel Aircraft Industries model Astra SPX airplane, 42029–42031

Class E airspace, 42031

#### NOTICES

Meetings:

Aviation Environmental Protection Committee, 42212–42213

Aviation Rulemaking Advisory Committee, 42212

Passenger facility charges; applications, etc.:

Cyril E. King Airport, VI, 42213

### Federal Communications Commission

#### RULES

Common carrier services:

Automatic telephone dialing systems and telephone facsimile machines; unsolicited telemarketing restrictions; reconsideration petition, 42068–42069

Radio stations; table of assignments:

Arkansas, 42069–42070

**PROPOSED RULES**

Television broadcasting:

Advanced television (ATV) systems; digital technology conversion, 42130–42140

**NOTICES**

Agency information collection activities under OMB review:

Proposed agency information collection activities; comment request, 42157–42158

Committees; establishment, renewal, termination, etc.:

North American Numbering Council Advisory Committee, 42158–42159

**Federal Energy Regulatory Commission**

**NOTICES**

Electric rate and corporate regulation filings:

EI Services Colombia et al., 42153–42155

Natural gas certificate filings:

Tennessee Gas Pipeline Co. et al., 42155–42156

*Applications, hearings, determinations, etc.:*

Eastern Shore Natural Gas Co., 42152

East Tennessee Natural Gas Co., 42153

Koch Gateway Pipeline Co., 42153

Northwest Pipeline Corp., 42152–42153

Tennessee Gas Pipeline Co., 42153

**Federal Highway Administration**

**NOTICES**

Alternate bridge designs; policy statement, 42213–42214

**Federal Housing Finance Board**

**NOTICES**

Meetings; Sunshine Act, 42219

**Federal Maritime Commission**

**NOTICES**

Investigations, hearings, petitions, etc.:

Independent vessel agents et al., 42159

**Federal Railroad Administration**

**NOTICES**

Meetings:

Roadway Worker Protection Advisory Committee, 42214

**Federal Register, Administrative Committee**

See Federal Register Office

**Federal Register Office**

**NOTICES**

American Institute in Taiwan and Taipei Economic and Cultural Representative Office in United States; agreements, 42159–42162

**Federal Reserve System**

**NOTICES**

Electronic fund transfers:

Payment system risk policy, 42413–42423

Federal Reserve bank services:

Fedwire funds transfer service—

Transfer originations and Fedwire book entry securities transfer system reversal; closing times, 42410–42423

*Applications, hearings, determinations, etc.:*

NBD Bancorp, Inc.; correction, 42162

New Era Bancorporation, Inc., 42162–42163

PNC Bank Corp., 42163

Shaw, James Michael, 42163

SNBNY Holdings Ltd. et al., 42163–42164

**Federal Trade Commission**

**RULES**

Practice and procedure rules:

Administrative interpretations, general policy statements, and enforcement policy statements, 42031–42034

**NOTICES**

Prohibited trade practices:

Mustad International Group NV, et al., 42164–42168

**Fish and Wildlife Service**

**PROPOSED RULES**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority), 42085–42130

Endangered and threatened species:

Copperbelly water snake and Lake Erie water snake, 42140–42141

**NOTICES**

Meetings:

Aquatic Nuisance Species Task Force, 42175

**Food and Drug Administration**

**NOTICES**

Human drugs:

Export applications—

DILAUPID HP-PLUS (hydromorphone hydrochloride) 20mg/mL Vials, etc., 42169

**Forest Service**

**PROPOSED RULES**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority), 42085–42130

**Geological Survey**

**NOTICES**

Grant and cooperative agreement awards:

Corbis Publishing, 42175

**Health and Human Services Department**

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

**Housing and Urban Development Department**

**RULES**

Low income housing:

Housing assistance payments (Section 8)—

Fair market rent calculation method, 42222–42227

Fair market rent schedules for rental certificate, loan management and property disposition, moderate rehabilitation, and rental voucher programs, 42230–42288

**PROPOSED RULES**

Low income housing:

Housing assistance payments (Section 8)—

Fair market rent schedules for rental certificate, loan management and property disposition, moderate rehabilitation, and rental voucher programs, 42290–42350

**NOTICES**

Agency information collection activities under OMB review:

Proposed agency information collection activities; comment request, 42171–42172

**Interior Department**

See Fish and Wildlife Service



See Geological Survey  
 See Land Management Bureau  
 See Minerals Management Service  
 See National Park Service  
 See Surface Mining Reclamation and Enforcement Office

### Interstate Commerce Commission

#### NOTICES

Rail carriers:

- State intrastate rail rate authority—
  - Alabama, 42181–42182
  - Georgia, 42181
  - Kansas, 42181

### Justice Department

#### NOTICES

Agency information collection activities under OMB review:

- Proposed agency information collection activities; comment request, 42182–42185

Pollution control; consent judgments:  
 Cushman, AR, 42185

### Labor Department

See Employment and Training Administration  
 See Pension and Welfare Benefits Administration

#### NOTICES

Meetings:

- Excellence in State and Local Government through Labor-Management Cooperation Task Force, 42186

### Land Management Bureau

#### RULES

Public land orders:

- Montana, 42067–42068

#### NOTICES

Closure of public lands:

- Nevada, 42172

Oil and gas leases:

- Utah, 42172–42173

Realty actions; sales, leases, etc.:

- Arizona, 42173–42174
- Oregon, 42174–42175

### Management and Budget Office

#### NOTICES

Meetings:

- National Industrial Security Program Policy Advisory Committee, 42194

### Minerals Management Service

#### NOTICES

Agency information collection activities under OMB review, 42175–42180

### National Archives and Records Administration

See Federal Register Office

### National Highway Traffic Safety Administration

#### NOTICES

Highway safety program; alcohol in bodily fluids testing devices:

- Conforming products list of screening devices, 42214–42215

Motor vehicle defect proceedings; petitions, etc.:

- Fleming, Victor A., 42215–42217

### National Institute of Standards and Technology

#### NOTICES

Information processing standards, Federal:

- Telecommunications; Federal building grounding and bonding requirements, 42144–42146

### National Institutes of Health

#### NOTICES

Meetings:

- National Heart, Lung, and Blood Institute, 42169–42170
- National Institute on Alcohol Abuse and Alcoholism, 42170

National Institute on Drug Abuse, 42170–42171

Patent licenses; non-exclusive, exclusive, or partially exclusive:

- Chiron Corp., 42171

### National Oceanic and Atmospheric Administration

#### RULES

Fishery conservation and management:

- Alaska scallop, 42070–42078

#### NOTICES

Mapping products produced for North America; use of NAD 83/WGS 84 horizontal datum tag, 42146

Meetings:

- Pinniped-Fishery Interaction Task Force, 42146–42147

Permits:

- Endangered and threatened species, 42147–42148

### National Park Service

#### NOTICES

Environmental statements; availability, etc.:

- California and Pony Express National Historic Trails, IA et al., 42180

Meetings:

- Chesapeake and Ohio Canal National Historical Park; management plan, 42180–42181

National Register of Historic Places:

- Pending nominations, 42181

### Navy Department

#### NOTICES

Environmental statements; availability, etc.:

- Reactor plants from decommissioned and defueled cruisers and OHIO and LOS ANGELES Class submarines; disposal, 42151–42152

### Nuclear Regulatory Commission

#### PROPOSED RULES

Spent nuclear fuel or high-level radioactive waste safeguards, 42079–42085

#### NOTICES

Environmental statements; availability, etc.:

- Arizona Public Service Co. et al., 42189–42190
- Peco Energy Co et al., 42190–42192
- Pennsylvania Power & Light Co., 42192–42193

Meetings:

- NRC-licensed facilities; radiological criteria for decommissioning; regulatory development guideline workshop, 42193

Meetings; Sunshine Act, 42219

*Applications, hearings, determinations, etc.:*

- Connecticut Yankee Atomic Power Co., 42187
- Sequoyah Nuclear Plant (Units 1 and 2), 42187–42189

### Office of Management and Budget

See Management and Budget Office

**Patent and Trademark Office****PROPOSED RULES**

Patent cases and secrecy of inventions and licenses to export and file applications in foreign countries:  
Patent applications; 18-month publication schedule, 42352–42405

**Pension and Welfare Benefits Administration****NOTICES**

## Meetings:

Employee Welfare and Pension Benefit Plans Advisory Council, 42186–42187

**Pension Benefit Guaranty Corporation****RULES**

Single-employer and multiemployer plans:

Valuation of plan benefits, etc.—

Interest rates and factors, etc., 42037–42040

**Public Health Service**

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

**Securities and Exchange Commission****NOTICES**

Agency information collection activities under OMB review, 42194

Self-regulatory organizations; proposed rule changes:

American Stock Exchange, Inc., et al., 42205–42209

Cincinnati Stock Exchange, Inc., 42209–42210

Midwest Clearing Corp. et al., 42203–42204

National Association of Securities Dealers, Inc., 42200–42202, 42204–42205

Participants Trust Co., 42202–42203

*Applications, hearings, determinations, etc.:*

AUSA Life Insurance Co., Inc., et al., 42194–42196

Landmark VIP Funds et al., 42196–42200

**Small Business Administration****NOTICES**

*Applications, hearings, determinations, etc.:*

RFE Investment Partners V, L.P., 42210

**Southeastern Power Administration****NOTICES**

## Power rates:

Jim Woodruff Project, 42156–42157

**State Department****RULES**

Visas; nonimmigrant documentation:

Aliens in religious occupations; temporary admission, 42034–42037

**NOTICES**

## Meetings:

Defense Trade Advisory Group, 42211–42212

Shipping Coordinating Committee, 42210–42211

**Surface Mining Reclamation and Enforcement Office****RULES**

Permanent program and abandoned mine land reclamation plan submissions:

Alabama, 42040–42042

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile Agreements

**Thrift Supervision Office****RULES**

Savings associations:

Capital—

Common stockholders' equity, 42025–42029

**Transportation Department**

See Federal Aviation Administration

See Federal Highway Administration

See Federal Railroad Administration

See National Highway Traffic Safety Administration

**Treasury Department**

See Thrift Supervision Office

**RULES**

Conflict of interests, 42042

**Veterans Affairs Department****NOTICES**

## Meetings:

Voluntary Service National Advisory Committee, 42217–42218

---

**Separate Parts In This Issue****Part II**

Department of Housing and Urban Development, 42222–42227

**Part III**

Department of Housing and Urban Development, 42230–42288

**Part IV**

Department of Housing and Urban Development, 42290–42350

**Part V**

Department of Commerce, Patent and Trademark Office, 42352–42405

**Part VI**

Department of Education, 42408

**Part VII**

Federal Reserve System, 42410–42423

---

**Reader Aids**

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

---

**Electronic Bulletin Board**

Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**10 CFR****Proposed Rules:**

|         |       |
|---------|-------|
| 60..... | 42079 |
| 72..... | 42079 |
| 73..... | 42079 |
| 75..... | 42079 |

**12 CFR**

|          |       |
|----------|-------|
| 567..... | 42025 |
| 611..... | 42029 |
| 618..... | 42029 |
| 620..... | 42029 |

**14 CFR**

|         |       |
|---------|-------|
| 25..... | 42029 |
| 71..... | 42031 |

**16 CFR**

|         |       |
|---------|-------|
| 14..... | 42031 |
|---------|-------|

**22 CFR**

|         |       |
|---------|-------|
| 41..... | 42034 |
|---------|-------|

**24 CFR**

|                         |                 |
|-------------------------|-----------------|
| 888 (2 documents) ..... | 42222,<br>42230 |
|-------------------------|-----------------|

**Proposed Rules:**

|          |       |
|----------|-------|
| 888..... | 42290 |
|----------|-------|

**29 CFR**

|           |       |
|-----------|-------|
| 2619..... | 42037 |
| 2676..... | 42037 |

**30 CFR**

|          |       |
|----------|-------|
| 901..... | 42040 |
|----------|-------|

**31 CFR**

|        |       |
|--------|-------|
| 0..... | 42042 |
|--------|-------|

**34 CFR**

|          |       |
|----------|-------|
| 668..... | 42408 |
|----------|-------|

**36 CFR****Proposed Rules:**

|          |       |
|----------|-------|
| 242..... | 42085 |
|----------|-------|

**37 CFR****Proposed Rules:**

|        |       |
|--------|-------|
| 1..... | 42352 |
| 3..... | 42352 |
| 5..... | 42352 |

**40 CFR**

|          |       |
|----------|-------|
| 52.....  | 42042 |
| 70.....  | 42045 |
| 271..... | 42046 |

**Proposed Rules:**

|         |       |
|---------|-------|
| 52..... | 42130 |
|---------|-------|

**43 CFR****Public Land Orders:**

|           |       |
|-----------|-------|
| 7153..... | 42067 |
|-----------|-------|

**47 CFR**

|         |       |
|---------|-------|
| 64..... | 42068 |
| 68..... | 42068 |
| 73..... | 42069 |

**Proposed Rules:**

|         |       |
|---------|-------|
| 73..... | 42130 |
|---------|-------|

**50 CFR**

|          |       |
|----------|-------|
| 673..... | 42070 |
|----------|-------|

**Proposed Rules:**

|          |       |
|----------|-------|
| 17.....  | 42140 |
| 100..... | 42085 |

# Rules and Regulations

Federal Register

Vol. 60, No. 157

Tuesday, August 15, 1995

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

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

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

#### 12 CFR Part 567

[No. 95-151]

RIN 1550-AA71

#### Regulatory Capital: Common Stockholders' Equity

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS), consistent with the other Federal banking agencies (collectively, the Agencies), is amending its capital rule to conform its definition of "common stockholders' equity" with the terminology used in referring to available-for-sale equity securities in Statement of Financial Accounting Standard No. 115, "Accounting for Certain Investments in Debt and Equity Securities" (SFAS No. 115). Specifically, this rule substitutes the term "available-for-sale equity securities with readily determinable fair values" used in SFAS No. 115 for the current reference to "marketable equity securities" in the OTS definition of "common stockholders' equity."

The OTS has decided not to adopt other provisions of its June 1994 proposal that would include net unrealized gains and losses on all available-for-sale debt and equity securities in regulatory capital.

The OTS and the other Agencies had initially issued proposed rules to change institutions' regulatory capital computations to be consistent with generally accepted accounting principles (GAAP), as amended by SFAS No. 115. Although the Agencies' regulatory capital rules will not conform with SFAS No. 115, institutions will continue to be required to comply with

SFAS No. 115 for regulatory reporting purposes, as required by statute.

The Agencies decided not to change their regulatory capital standards to conform with SFAS No. 115 after extensive interagency discussion and consideration of comments received, most of which opposed the Agencies' proposals. Those comments included concerns about capital volatility if institutions were required to compute regulatory capital in accordance with SFAS No. 115, which would also have a prompt corrective action effect.

As a result of not amending the Agencies' capital rules to incorporate SFAS No. 115, available-for-sale debt securities will continue to be valued at amortized cost in computing regulatory capital. (This differs from their valuation at fair value under SFAS No. 115.) Available-for-sale equity securities will continue to be valued at the lower of fair value or amortized cost in computing regulatory capital, as they have been under the Agencies' capital rules.

**EFFECTIVE DATE:** October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** John F. Connolly, Senior Program Manager for Capital Policy, Supervision, (202) 906-6465, or Ellen J. Sazzman, Counsel, Regulations and Legislation Division, Chief Counsel's Office, (202) 906-7133, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

#### SUPPLEMENTARY INFORMATION:

##### I. Background of SFAS No. 115

Under the current OTS minimum regulatory capital requirements set forth at 12 CFR Part 567, common stockholders' equity is the primary component of core capital for most savings associations. It includes items that are generally the same as the items that comprised GAAP equity when the capital rule was adopted. Common stockholders' equity currently includes: (1) Common stock, (2) common stock surplus, (3) retained earnings, (4) adjustments for the cumulative effect of foreign currency translation, and (5) adjustments for net unrealized losses on non-current marketable equity securities. The net unrealized losses were those recorded under SFAS No. 12, "Accounting for Certain Marketable Securities."

In May 1993, the Financial Accounting Standards Board (FASB) amended GAAP by adopting SFAS No.

115, which superseded SFAS No. 12. SFAS No. 115 divides securities held by depository institutions into three categories: (1) Securities held to maturity; (2) trading account securities; and (3) securities available for sale.

Under SFAS No. 115, held-to-maturity securities generally are debt securities that an institution has the positive intent and ability to hold to maturity, as evidenced by standards established by SFAS No. 115. Held-to-maturity securities are to be recorded at amortized cost.

Under SFAS No. 115, trading securities are defined as those securities that an institution buys and holds principally for the purpose of selling in the near term. As under earlier accounting standards, these securities are to be reported at fair value (*i.e.*, generally at market value), with net unrealized changes in their value reported directly in the income statement as part of an institution's earnings.

Securities meeting the definition of the available-for-sale category (*i.e.*, all debt and equity securities not held for trading that an institution does not have the requisite intent and ability to hold to maturity) are to be reported at fair value. This category generally encompasses: (1) nontrading debt securities (*e.g.*, bonds, debentures, collateralized mortgage obligations) that an institution cannot show it will hold to maturity, and (2) nontrading equity securities (*e.g.*, Fannie Mae or Freddie Mac stock). Changes in the fair value of available-for-sale securities are to be reported, net of tax effects, directly in a separate component of common stockholders' equity. Consequently, any unrealized appreciation or depreciation in the value of securities in the available-for-sale category has no impact on the reported earnings of an institution but does affect its GAAP equity capital position.

In August 1993, the Federal Financial Institutions Examination Council (FFIEC) announced the adoption of SFAS No. 115 for regulatory reporting purposes, effective January 1, 1994. The OTS made a similar decision for regulatory reporting by savings associations in an August 16, 1993

policy statement.<sup>1</sup> Accordingly, all savings associations now follow SFAS No. 115 for regulatory reporting purposes. Associations reflect unrealized gains and losses on all available-for-sale securities (debt as well as equity), rather than just the net unrealized losses on marketable equity securities, as a separate capital component for regulatory reporting purposes.

## **II. OTS Proposed Rule and Interim Policy**

The issuance of SFAS No. 115 raised the question of how net unrealized gains and losses on available-for-sale securities should be treated for purposes of calculating the amount of an association's regulatory capital under part 567. In its August 16, 1993 policy statement, the OTS permitted savings associations to adopt SFAS No. 115 for both financial reporting and capital purposes as early as June 30, 1993. This early adoption option was expressly permitted by SFAS No. 115, which did not become mandatory until the fiscal year beginning after December 15, 1993.

On June 22, 1994, the OTS published its proposal to amend the OTS capital rule to include the SFAS No. 115 capital component in core capital, replacing the superseded SFAS No. 12 component.<sup>2</sup> The other Agencies, the Office of the Comptroller of the Currency (OCC), the Federal Reserve Board (FRB), and the Federal Deposit Insurance Corporation (FDIC), published similar proposals to adopt SFAS No. 115 for regulatory capital purposes.<sup>3</sup> The stated rationale for these proposals was to conform the Agencies' capital regulations to GAAP and to include unrealized gains and losses on available-for-sale debt and equity securities in regulatory capital.

In its June 22, 1994 notice of proposed rulemaking, the OTS requested comment on all aspects of the proposed rule, and specifically solicited comment on whether unrealized gains and losses under SFAS No. 115 should be included in core capital for purposes of the leverage ratio requirement, for purposes of the risk-based capital requirements and for purposes of Prompt Corrective Action (PCA).<sup>4</sup> The OTS also specifically solicited comment on what changes, if any, in asset liability

management or risk management would likely result from the inclusion of SFAS No. 115 unrealized gains and losses in capital and whether such changes would increase or decrease risk to the Savings Association Insurance Fund (SAIF).<sup>5</sup>

The proposal's comment period closed on July 22, 1994. After consideration of the comments received and in anticipation of its final rule, the OTS issued a November 28, 1994 interim policy statement, which provided that the SFAS No. 115 capital component could no longer be included in regulatory capital.<sup>6</sup>

## **III. Comment Summary**

In response to its notice of proposed rulemaking, the OTS received 10 comments: five from savings associations, one from a commercial bank, one from a state-chartered savings bank, two from financial institution trade associations, and one from an investment banking firm. Eight of the commenters generally opposed the OTS proposal, while two commenters strongly supported the proposal. The OTS has also considered the comments received by the other federal banking agencies in working with the other agencies to develop a consistent interagency position on SFAS No. 115.

### ***A. Comments Opposing a SFAS No. 115 Component***

Commenters opposing the proposal raised a number of common concerns. Their primary concern was a belief that the proposal would distort the true picture of savings associations' core capital. These commenters reasoned that the SFAS No. 115 capital component has less bearing on their institutions' financial strength than the institutions' more permanent base of common stock, paid-in surplus and retained earnings. Under SFAS 115, changes in interest rates could dramatically affect institutions' capital positions without affecting their amount of common stock and retained earnings and without them suffering any losses through their income statements.

<sup>5</sup> See 59 FR at 32144.

<sup>6</sup> See letter dated November 28, 1994, from Acting Director Fiechter to the Chief Executive Officers of Savings Associations, which revised the August 16, 1993 interim policy statement (permitting associations to adopt SFAS No. 115 for financial reporting and capital purposes). The November 28 policy statement gave associations the option either to follow the revised policy for submission of their December 1994 Thrift Financial Reports (TFRs), or to defer implementation as late as submission of their June 1995 TFRs. The OTS provided this optional transition period to give associations sufficient time to plan for the effects of the revised policy on their regulatory capital and to take any appropriate business actions.

Commenters asserted that another distortion arises because SFAS No. 115 requires that the change in fair value of securities subject to SFAS No. 115 be included in GAAP capital, but does not require that any offsetting changes in the value of associations' deposit bases and hedging instruments be included in GAAP capital.

A second related concern of commenters objecting to the proposal was that adopting the proposal would result in excessive volatility in associations' regulatory capital levels and present an inaccurate picture of associations' long-range viability. Commenters observed that associations' capital levels would change with temporary movements in interest rates, which in turn cause temporary changes in a security's market value. Commenters argued that associations may have sufficient capital and liquidity to give them the discretion to determine not to sell those securities when the market is unfavorable. These commenters submitted that because associations would not be forced to sell their available-for-sale securities in a market trough, they should not be required to include those unrealized losses on securities in their regulatory capital calculations. Such inclusion could result in volatile temporary fluctuations in the associations' regulatory capital levels, which in turn could trigger more permanent regulatory limitations and subject associations to increased deposit insurance premiums or PCA sanctions. These commenters argued that in the worst case, some associations with the ability to survive a temporary market trough might be forced into receivership because of unrealized losses in their SFAS No. 115 capital component.

A number of commenters stressed that associations might take steps to avoid unrealized losses that could harm their long-term financial viability. Some commenters said that associations would purchase shorter duration securities to avoid the greater volatility in the value of longer term securities. This action would lower the yield on associations' securities and reduce the net income that they could add to their retained earnings. Some commenters added that associations would have the incentive to make up for this lower yield by increasing the credit risk in their portfolios. This strategy would increase associations' yield in a potentially dangerous way not captured by SFAS No. 115 without necessarily affecting their reported capital levels.

Some commenters also contended that because SFAS No. 115 only applies to securities, associations would avoid

<sup>1</sup> See letter of August 16, 1993, from Acting Director Fiechter to the Chief Executive Officers of Savings Associations.

<sup>2</sup> 59 FR 32143 (June 22, 1994).

<sup>3</sup> See 59 FR 18328 (April 18, 1994) (OCC); 58 FR 68563 (December 28, 1993) (FRB); 58 FR 68781 (December 29, 1993) (FDIC).

<sup>4</sup> See 59 FR at 32144. The OTS's risk-based capital requirements are located at 12 CFR Part 567 and its PCA requirements are located at 12 CFR Part 565.

SFAS No. 115's mark-to-market requirements by purchasing or retaining whole loans instead of similar loans that had been securitized and guaranteed by government sponsored enterprises or the private market. This approach could harm associations because many loans have greater credit risk than guaranteed, high-quality mortgage-related securities.

Other commenters submitted that the OTS interest-rate risk model and capital component already capture and address associations' interest rate risk exposure. They argued that adoption of SFAS No. 115 for capital purposes was unnecessary, could conflict with the interest-rate risk model and component, and could result in a double hit to capital for interest rate swings.

Commenters opposing the proposal also argued that its adoption would lead to associations' focusing too much attention on the short-term effects of investment decisions instead of long-term economic viability. Commenters also raised the possibility that adoption of the proposal would make an association reluctant to sell securities from its held-to-maturity portfolio for fear of having its entire held-to-maturity portfolio reclassified as available-for-sale, thereby limiting an association's flexibility to manage its investments properly.

Several commenters were critical of the market value accounting approach imposed by SFAS 115 because it includes in capital unrealized gains and losses that might never be realized by an association and so could present a misleading picture of an association's current financial condition. Commenters also submitted that SFAS 115 is inconsistent in its approach because it requires institutions to account for certain assets at fair market value while liabilities are valued at cost.

#### *B. Comments Supporting a SFAS No. 115 Component*

The two commenters supporting the OTS proposed rule believed that the OTS's adoption of SFAS No. 115 for regulatory capital purposes was consistent with GAAP and the Agencies' requirements that institutions comply with SFAS No. 115 for regulatory reporting purposes. These commenters reasoned that the proposal would minimize the reporting and systems burden that would otherwise result if the SFAS No. 115 capital component is treated differently in regulatory capital calculations than in GAAP and regulatory reports. Second, these commenters stated that the OTS's adoption of SFAS No. 115 for regulatory capital purposes would be consistent with Congressional intent as manifested

in section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA),<sup>7</sup> which provides that Federal banking agency regulatory accounting policy applicable to reports or statements filed with those agencies be no less stringent than GAAP. One commenter contended that including the SFAS No. 115 equity component in regulatory capital would protect associations and the deposit insurance fund by causing associations to control their interest-rate risk exposure. This commenter believed that SFAS No. 115 gives associations the appropriate incentive to hold shorter duration securities and to limit their interest-rate risk exposure to avoid drops in their capital levels.

Finally, one commenter contended that not adopting SFAS No. 115 for regulatory capital purposes would arguably allow institutions temporarily to hide their losses and to defer appropriate supervisory action. This would be inconsistent with prudent asset liability management and ultimately with protecting the SAIF from losses not otherwise included in regulatory capital. Furthermore, failure to include unrealized losses in regulatory capital would give associations, particularly undercapitalized ones, an incentive to speculate on interest rates by holding unhedged long-term securities.

#### *C. Comments Suggesting Alternative Ways of Incorporating a SFAS No. 115 Component*

The majority of commenters opposing the proposal supported excluding the SFAS No. 115 equity component from regulatory capital altogether. Several commenters, however, suggested alternative methods of incorporating SFAS 115 into the OTS's regulatory capital regulation. One commenter recommended that, if SFAS No. 115 was going to affect regulatory capital, that it only be included in supplementary capital or in risk-based capital computations. Commenters also argued that, even if the SFAS No. 115 equity component was included in regulatory capital, it should be excluded from computations and determinations relating to PCA, insurance premiums, lending limits, and other differential regulations based on capital levels. Other commenters recommended that the OTS propose a method for balancing the mark-to-market adjustment for available-for-sale securities with offsetting adjustments to associations' deposits, other liabilities, and hedging instruments. Finally, several

commenters recommended that OTS institute a three-quarter lag similar to that used with the interest-rate risk component to reduce the effects of temporary market fluctuations and to give associations time to take action ameliorating the effects of their unrealized losses.

#### **IV. The Final Rule**

After considering all the comments received, the OTS, in consultation with the other Agencies, has decided not to adopt its proposal to include the SFAS No. 115 equity component in computing regulatory capital. Savings associations, however, must follow SFAS No. 115 for regulatory reporting purposes, as required by statute. This decision leaves in effect the OTS's current requirement that nontrading debt securities be valued at amortized cost and nontrading marketable equity securities be valued at the lower of fair value or amortized cost for computing regulatory capital.<sup>8</sup> This decision is consistent with the recommendation of the Task Force on Supervision of the FFIEC and the policies of the other Agencies.<sup>9</sup>

Based on the comment letters received, the OTS determined that adoption of the proposal could potentially have an inappropriate impact on associations' regulatory capital and result in an inaccurate picture of their capital positions. For example, fluctuations in interest rates could cause temporary changes in regulatory capital levels, which in turn could trigger more permanent regulatory intervention and inappropriately affect industry profitability. In addition, including the SFAS No. 115 adjustment in capital could potentially distort an association's capital position by giving the same weight to an association's SFAS 115 component as is given to its common stock, paid-in surplus, and retained earnings. Also, changes in the value of institutions' assets from interest rate changes would not be properly balanced by offsetting changes in the value of institutions' liabilities and hedge positions.

The OTS is also concerned that adoption of the proposal would encourage management to place excessive weight on the accounting implications of their decisions, rather than on their long-term economic impacts. Associations could potentially take actions or make investment

<sup>8</sup> See current 12 CFR 567.1(d) and the OTS's November 28, 1994 interim policy statement, which provided that the SFAS No. 115 capital component could no longer be included in regulatory capital.

<sup>9</sup> See 59 FR 60552 (November 25, 1994) (OCC), 59 FR 63241 (December 8, 1994) (FRB), and 59 FR 66662 (December 28, 1994) (FDIC).

<sup>7</sup> Pub. L. 102-242 (1991).

decisions to avoid the effects of SFAS No. 115 that could give associations more flexibility in the short run but might not enhance the associations' long-term viability.

The OTS considered the comments received regarding FDICIA's requirement that regulatory accounting policy be no less stringent than GAAP. Section 121 of FDICIA<sup>10</sup> requires that policies applicable to reports and statements filed with the Federal banking agencies generally conform to GAAP. The section, however, does not require the calculation of an institution's regulatory capital or the components of regulatory capital to conform to GAAP, and the legislative history of the section indicates that was not necessarily the intent of Congress.<sup>11</sup> Furthermore, calculation of associations' risk-based capital requirements under the OTS capital rule is based on principles that are so fundamentally different from GAAP that comparing the stringency of the OTS rule with GAAP is not meaningful. Accordingly, we do not believe that Congress intended the OTS to make such a comparison.

By adopting SFAS No. 115 for regulatory reporting purposes, the OTS is complying with the requirements of section 121 and is utilizing a uniform approach with the other Agencies. Adoption of such a uniform approach also complies with FDICIA's requirement that each Federal banking agency "maintain uniform accounting standards to be used for determining compliance with statutory or regulatory requirements of depository institutions."<sup>12</sup> Adoption of this uniform interagency policy also is consistent with the general goal of regulatory uniformity set forth in Section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRIA).<sup>13</sup>

The OTS did consider alternatives suggested by several commenters including counting the net unrealized holding gains and losses on available-for-sale securities in risk-based or supplementary capital calculations, or including net unrealized holding gains and losses on available-for-sale securities in regulatory capital but excluding the adjustment from capital calculations tied to other regulations. However, the OTS believes such approaches would be too complex and burdensome and potentially could

require a savings association to maintain yet another set of capital calculations. Furthermore, because SFAS No. 115 significantly increased the number of securities subject to market valuation, including the unrealized gains and losses in risk-based capital may contribute to volatility in regulatory capital levels.

The OTS has decided, therefore, to retain its current requirements that available-for-sale debt securities be valued at amortized cost and that marketable equity securities be valued at the lower of amortized cost or fair value. This is consistent with the current capital treatment of these securities by the other Federal banking agencies.

To conform the capital rule's definition of "common stockholders' equity" to the terminology and standards used in SFAS No. 115, however, this rule substitutes the phrase "net unrealized losses on available-for-sale equity securities with readily determinable fair values" instead of "net unrealized losses on non-current marketable equity securities."<sup>14</sup> The latter phrase was based on terminology included in the SFAS No. 12 accounting standard, which was superseded by SFAS No. 115. The new terminology of the revised regulation encompasses the identical types of securities as the pre-existing regulation.

Finally, the OTS will continue to consider unrealized gains and losses on securities, regardless of their classification under SFAS No. 115 or this rule, as a factor in various supervisory determinations. For example, an association's unrealized gain or loss on securities would be an appropriate factor for an examiner to consider in evaluating the adequacy of the association's level of regulatory capital or in making discretionary supervisory determinations, such as the reasonableness of associations' capital distributions.

#### Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, it is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This final rule is not expected to increase the capital requirements of a substantial number of small entities. This final rule is not expected to have a disparate effect on the capital levels of small entities as opposed to larger entities; rather the

effect on capital will be minimal regardless of savings association size.

#### Executive Order 12866

The OTS has determined that this final rule is not a significant regulatory action under Executive Order 12866.

#### Unfunded Mandates Reform Act of 1995

The OTS has determined that this final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and therefore is not a significant regulatory action under Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, 109 Stat. 64 (signed into law on March 22, 1995).

#### Paperwork Reduction Act

The OTS has determined that this final rule will not increase the regulatory paperwork burden of savings associations pursuant to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

#### Authority and Issuance

For the reasons set forth in the preamble, the Office of Thrift Supervision hereby amends part 567, chapter V, title 12, Code of Federal Regulations, as set forth below:

#### Subchapter D—Regulations Applicable to All Savings Associations

##### PART 567—[AMENDED]

1. The authority for part 567 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

2. Section 567.1 is amended by revising paragraph (d) to read as follows:

##### § 567.1 Definitions.

\* \* \* \* \*

(d) *Common stockholders' equity.* The term *common stockholders' equity* means common stock, common stock surplus, retained earnings, and adjustments for the cumulative effect of foreign currency translation, less net unrealized losses on available-for-sale equity securities with readily determinable fair values.

\* \* \* \* \*

Dated: August 3, 1995.

<sup>10</sup> 12 U.S.C. 1831n(a).

<sup>11</sup> See generally H.R. Rep. No. 102-330, 102d Cong., 2d Sess. 119 (1991).

<sup>12</sup> 12 U.S.C. 1831n(b).

<sup>13</sup> Pub. L. 103-325, 108 Stat. 2160.

<sup>14</sup> See current version of 12 CFR 567.1(d).

By the Office of Thrift Supervision.  
**Jonathan L. Fiechter,**  
*Acting Director.*  
 [FR Doc. 95-19854 Filed 8-14-95; 8:45 am]  
 BILLING CODE 6720-01-P

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 611, 618, and 620

RIN 3052-AB43

#### Organization; General Provisions; Disclosure to Shareholders; Technical Assistance and Financially Related Services; Member Insurance; Correction and Effective Date

**AGENCY:** Farm Credit Administration.  
**ACTION:** Final rule correction and notice  
 of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final regulation under parts 611, 618, and 620 on June 30, 1995 (60 FR 34090). The final regulation defines what constitutes technical assistance, financial assistance, and financially related services and what types of activities the Farm Credit System institutions are authorized to provide. This regulation supersedes and replaces the existing FCA Board Policy and Booklet on Out-of-Territory Financially Related Services published in 1993. This document also corrects a typographical error that appeared in the publication of the final regulation. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulation is August 8, 1995.

**EFFECTIVE DATE:** The regulation amending 12 CFR parts 611, 618, and 620 published on June 30, 1995 (60 FR 34090) and this correction to that final regulation are effective August 8, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Linda C. Sherman, Policy Analyst,  
 Regulation Development, Office of  
 Examination, Farm Credit  
 Administration, McLean, Virginia  
 22102-5090, (703) 883-4498, TDD  
 (703) 883-4444,

or

Joy E. Strickland, Senior Attorney,  
 Regulatory Operations Division,  
 Office of General Counsel, Farm  
 Credit Administration, McLean,  
 Virginia 22102-5090, (703) 883-4020,  
 TDD (703) 883-4444.

**SUPPLEMENTARY INFORMATION:** In  
 preparing the final rule for publication

in the **Federal Register**, a portion of the  
 text was inadvertently omitted in the  
 first sentence of § 618.8025(a).

#### List of Subjects

##### 12 CFR Part 611

Agriculture, Banks, banking, Rural  
 areas.

##### 12 CFR Part 618

Agriculture, Archives and records,  
 Banks, banking, Insurance, Reporting  
 and recordkeeping requirements, Rural  
 areas, Technical assistance.

##### 12 CFR Part 620

Accounting, Agriculture, Banks,  
 banking, Reporting and recordkeeping  
 requirements, Rural areas.

#### PART 618—GENERAL PROVISIONS

1. The authority citation for part 618  
 continues to read as follows:

**Authority:** Secs. 1.5, 1.11, 1.12, 2.2, 2.4,  
 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9,  
 5.10, 5.17 of the Farm Credit Act (12 U.S.C.  
 2013, 2019, 2020, 2073, 2075, 2076, 2093,  
 2122, 2128, 2183, 2200, 2211, 2218, 2243,  
 2244, 2252).

#### Subpart A—Related Services

2. On page 34101, first column, the  
 first sentence of paragraph (a) is  
 corrected to read as follows:

##### § 618.8025 Feasibility reviews.

(a) Prior to an association offering a  
 related service program for the first time  
 or offering a service that it did not offer  
 during the most recently completed  
 business cycle (generally 1 year), the  
 board of directors of the funding bank  
 must verify that the association has  
 performed a feasibility analysis  
 pursuant to § 618.8020. \* \* \*

\* \* \* \* \*

Dated: August 9, 1995.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 95-20161 Filed 8-14-95; 8:45 am]

BILLING CODE 6705-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM-116; Special Condition No.  
 25-ANM-104]

#### Special Condition: Israel Aircraft Industries (IAI), Model Astra SPX, High- Intensity Radiated Fields

**AGENCY:** Federal Aviation  
 Administration, DOT.

**ACTION:** Final special condition; request  
 for comments.

**SUMMARY:** This special condition is  
 issued for the Israel Aircraft Industries  
 (IAI) Model Astra SPX airplane. This  
 new airplane utilizes new avionics/  
 electronic systems, such as electronic  
 displays and electronic engine controls,  
 that perform critical functions. The  
 applicable regulations do not contain  
 adequate or appropriate safety standards  
 for the protection of these systems from  
 the effects of high-intensity radiated  
 fields (HIRF). This special condition  
 contains the additional safety standards  
 that the Administrator considers  
 necessary to establish a level of safety  
 equivalent to that established by the  
 existing airworthiness standards.

**DATES:** The effective date of this special  
 condition is July 26, 1995. Comments  
 must be received on or before  
 September 14, 1995

**ADDRESSES:** Comments on this special  
 condition may be mailed in duplicate  
 to: Federal Aviation Administration,  
 Office of the Assistant Chief Counsel,  
 Attn: Rules Docket (ANM-7), Docket  
 No. NM-116, 1601 Lind Avenue SW.,  
 Renton, Washington, 98055-4056; or  
 delivered in duplicate to the Office of  
 the Assistant Chief Counsel at the above  
 address. Comments must be marked:  
 Docket No. NM-116. Comments may be  
 inspected in the Rules Docket  
 weekdays, except Federal holidays,  
 between 7:30 a.m. and 4:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Timothy Dulin, FAA, Standardization  
 Branch, ANM-113, Transport Airplane  
 Directorate, Aircraft Certification  
 Service, 1601 Lind Avenue SW.,  
 Renton, Washington, 98055-4506;  
 telephone (206) 227-2141.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA has determined that good  
 cause exists for making this special  
 condition effective upon issuance;  
 however, interested persons are invited  
 to submit such written data, views, or  
 arguments as they may desire.  
 Communications should identify the  
 regulatory docket and special condition  
 number and be submitted in duplicate  
 to the address specified above. All  
 communications received on or before  
 the closing date for comments will be  
 considered by the Administrator. This  
 special condition may be changed in  
 light of the comments received. All  
 comments submitted will be available in  
 the Rules Docket for examination by  
 interested persons, both before and after  
 the closing date for comments. A report  
 summarizing each substantive public



contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-116." The postcard will be date stamped and returned to the commenter.

**Background**

On February 15, 1994, Israel Aircraft Industries (IAI), Ben Gurion International Airport, Tel Aviv 70100, Israel, applied for an amendment to Type Certificate (TC) A16NM to incorporate the Model Astra SPX airplane. The Astra SPX is a derivative of the Model 1125 Westwind Astra. The changes include installation of new Allied Signal (Garrett) TFE731-40/40A engines, which are a derivative of the existing TFE731-3A-200G engines; installation of winglets and minor structural modifications to the wing; and installation of new avionics.

**Type Certification Basis**

Under the provisions of § 21.101 of 14 CFR part 21, IAI must show that the Model Astra SPX meets the applicable regulations incorporated by reference in TC A16NM, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporate by reference in TC A16NM are as follows: Part 25, effective February 1, 1965, as amended by Amendments 25-1 through 25-54. The regulations in effect on the date of application include the applicable provisions of part 25 effective February 1, 1965, as amended by Amendments 25-1 through 25-79. In addition, the certification basis for the Model Astra SPX includes part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect at the time of certification. This special condition will form an additional part of the type certification basis. In addition, the certification basis may include exemptions and other special conditions that are not relevant to this special condition.

If the Administrator finds that the applicable airworthiness regulation (i.e., part 25, as amended) do not contain adequate or appropriate safety standards

for the Astra SPX because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

**Novel or Unusual Design Features**

The Model Astra SPX incorporates new avionic/electronic systems, such as electronic displays and electronic engine controls, that perform critical functions. These systems may be vulnerable to HIRF external to the airplane.

**Discussion**

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, a special condition is needed for the IAI Astra SPX, which would require that new electrical and electronic systems that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

**High-Intensity Radiated Fields (HIRF)**

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also

uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1, or 2 below:

- 1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.
  - a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.
  - b. Demonstration of this level of protection is established through system tests and analysis.
- 2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

| Frequency            | Peak (V/M) | Average (V/M) |
|----------------------|------------|---------------|
| 10 KHz-100 KHz ..... | 50         | 50            |
| 100 KHz-500 KHz .... | 60         | 60            |
| 500 KHz-2 MHz .....  | 70         | 70            |
| 2 MHz-30 MHz .....   | 200        | 200           |
| 30 MHz-100 MHz ....  | 30         | 30            |
| 100 MHz-200 MHz ...  | 150        | 33            |
| 200 MHz-400 MHz ...  | 70         | 70            |
| 400 MHz-700 MHz ...  | 4,020      | 935           |
| 700 MHz-1 GHz .....  | 1,700      | 170           |
| 1 GHz-2 GHz .....    | 5,000      | 990           |
| 2 GHz-4 GHz .....    | 6,680      | 840           |
| 4 GHz-6 GHz .....    | 6,850      | 310           |
| 6 GHz-8 GHz .....    | 3,600      | 670           |
| 8 GHz-12 GHz .....   | 3,500      | 1,270         |
| 12 GHz-18 GHz .....  | 3,500      | 360           |
| 18 GHz-40 GHz .....  | 2,100      | 750           |

As discussed above, this special condition would be applicable initially to the IAI Model Astra SPX. Should IAI apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, this special condition would apply to that model as well, under the provisions of § 21.101(a)(1).

**Conclusion**

This action affects only certain design features on the IAI Astra SPX airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

The substance of the special condition for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change

from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting this special condition immediately. Therefore, this special condition is being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for this special condition is as follows:

**Authority:** 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430, and 49 U.S.C. 106(g).

#### The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Israel Aircraft Industries (IAI) Model Astra SPX airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields.

2. For the purpose of this special condition, the following definition applies: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on July 26, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-20151 Filed 8-14-95; 8:45 am]  
**BILLING CODE 4910-13-M**

#### 14 CFR Part 71

[Airspace Docket No. 94-ASO-8]

#### Establishment of Class E Airspace; Thomaston, GA

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects an error in the geographic position coordinates of a final rule that was published in the **Federal Register** on August 3, 1994, Airspace Docket No. 94-ASO-8. The position coordinates are published in the **Federal Register** on August 3, 1994, for the Thomaston-Upson County Airport at Thomaston, GA, are incorrect. The correct position coordinates are lat. 32°57'17" N, long. 84°15'48" W.

**EFFECTIVE DATE:** 0901 UTC, November 9, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Stanley Zylowski, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

#### SUPPLEMENTARY INFORMATION:

##### History

**Federal Register** Document 94-18810, Airspace Docket No. 94-ASO-8, published on August 3, 1994 (59 FR 39434), established Class E airspace at Thomaston, GA, to provide adequate Class E airspace for IFR operations at Thomaston-Upson County Airport. The geographic position coordinates as published in the **Federal Register** on August 3, 1994, for the Thomaston-Upson County Airport at Thomaston, GA, are incorrect. The correct position coordinates at lat. 31°57'17" N, long. 84°15'48" W.

##### Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic position coordinates at Thomaston, GA, for the Thomaston-Upson County Airport as published in the **Federal Register** on August 3, 1994 (59 FR 39434), (**Federal Register** Document 94-18810; page 39434, column 3), and the description in FAA Order 7400.9B, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

##### § 71.1 [Corrected]

\* \* \* \* \*

##### ASO GA E5 Thomaston, GA [Corrected]

By removing "(lat. 32°57'17" N, long. 84°11'14" W)" and substituting "(lat. 32°57'17" N, long. 84°15'48" W)."

\* \* \* \* \*

Issued in College Park, Georgia, on August 4, 1995.

**Wade T. Carpenter,**

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 95-20131 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-13-M**

#### FEDERAL TRADE COMMISSION

##### 16 CFR Part 14

#### Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements

**AGENCY:** Federal Trade Commission.

**ACTION:** Final amendments to interpretations and policy statements.

**SUMMARY:** The Federal Trade Commission ("Commission") is rescinding certain unnecessary or superfluous interpretations and policy statements in the Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements ("Interpretations and Policy Statements") and revising one policy statement to bring it up to date.

**EFFECTIVE DATE:** August 15, 1995.

**ADDRESSES:** Requests for copies of this notice should be sent to the Federal Trade Commission, Public Reference Branch, Room 130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Kent C. Howerton, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S-4302, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580, (202) 326-3013.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

As a part of its ongoing program to review all of its mandatory rules and voluntary guides, the Commission has determined to amend 16 CFR part 14, Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements ("Interpretations and Policy Statements").<sup>1</sup> In this notice, the Commission announces its determinations to repeal §§ 14.2, 14.4, 14.7, 14.11 and 14.17, and to revise § 14.16.<sup>2</sup> As explained below, the Commission is rescinding certain interpretations, guidelines and policy statements that are unnecessary, superfluous or obsolete and revising one policy statement to reflect current law and policy. Sections 14.9, 14.12 and 14.15 remain in effect and are not

<sup>1</sup> Part 14 of title 16 of the Code of Federal Regulations is not a comprehensive record of all the Commission's formal interpretations, guides, and policy statements. The Commission's Office of General Counsel is currently working on a project to make other such materials more readily available to the public.

<sup>2</sup> This matter has been designated as file number P954215 in the Commission's records.

affected by the amendments described in this notice.

The Commission is not seeking public comment on these amendments to repeal §§ 14.2, 14.4, 14.7, 14.11 and 14.17, and to revise § 14.16. These interpretations, guidelines and policy statements are not regulations, only interpretative guides and general statements of policy. Therefore, the Commission does not need to seek public comment before repealing or revising them.<sup>3</sup> Further, because the Commission's determinations to repeal or revise these interpretations, guidelines and policy statements are based upon changes in the law and regulations, the existence of other laws, regulations or legal decisions, facts concerning current industry practices that do not appear to be in controversy, or current Commission policy, public comment is not likely to aid the Commission significantly in making these determinations. The amendments become effective upon publication in the **Federal Register**.

## II. Sections Revised or Repealed

### A. Section 14.2

Section 14.2 states that it is not the Commission's policy to consider the use of the word "tile" in the designation of non-ceramic products to be false and misleading, provided that either the true composition of such products or the fact that they are not ceramic products is plainly disclosed. The Commission issued this policy statement in 1950 as guidance to industry and to amend certain stipulations covering specific companies that the Commission published between 1937 and 1945.

The Commission has no reason to believe that sellers of non-ceramic tile products currently fail to disclose the composition of their products or misrepresent their composition. In any event, the Commission can prosecute misrepresentations of product composition, or the failure to disclose, prior to sale, information that is material to a consumer's purchasing decision, as unfair or deceptive acts or practices under section 5 of the FTC Act, 15 U.S.C. 45.

For these reasons, the Commission has determined that § 14.2 is unnecessary and superfluous.

### B. Section 14.4

Section 14.4 contains the Commission's interpretation of the requirements of section 5 of the FTC Act concerning yarn and fabric that contain metallically weighted silk fiber. The

Commission issued this interpretation in 1960 to supplement the fiber identification requirements of the Textile Fiber Products Identification Act ("Textile Act"), 15 U.S.C. 70, and the rules and regulations issued under the Textile Act.<sup>4</sup>

Specifically § 14.4 states that the fiber identification required by the Textile Act shall be immediately accompanied by a clear and non-deceptive disclosure that the silk fiber present is weighted, along with the percentage of the total weight of the silk fiber content in its finished state that the weighting represents. Section 14.4 further states that the disclosure shall appear on the same label that contains the fiber identification required by the Textile Act, and the rules and regulations issued under it, and in immediate conjunction with any representation in advertisements, sales promotional literature, or invoices that relates to fiber content.

During at least the past 15 years, the Commission has not been aware of any problems concerning the sale of "metallically weighted silk" yarn and fabric products. In any event, the Commission can prosecute misrepresentations concerning "metallically weighted silk" products, or the failure to disclose, prior to sale, information that is material to a consumer's purchasing decision, as unfair or deceptive acts or practices under section 5 of the FTC Act.

For these reasons, the Commission has determined that § 14.4 is unnecessary and superfluous.

### C. Section 14.7

Section 14.7 contains interpretations of legal requirements concerning the payment by industry members of so-called "push money."<sup>5</sup> These interpretations, which the Commission issued in 1962, prohibit industry members from providing anything of value to a salesperson employed by a customer of the industry member as inducement to obtain greater effort in promoting the resale of the industry member's products when: (i) The agreement or payment is made "without the knowledge and consent of the salesperson's employer," (ii) the benefit

<sup>4</sup> See Rules and regulations under the Textile Fiber Products Identification Act, 16 CFR part 303.

<sup>5</sup> Section 14.7 is, in all substantive respects, identical to § 248.8 of the Commission's Guides for the Beauty and Barber Equipment and Supplies Industry ("Beauty/Barber Guides"), 16 CFR part 248. For the same reasons the Commission has determined to eliminate section 14.7, it has determined that § 248.8 of the Beauty/Barber Guides also should be eliminated. The Commission is publishing its determination concerning § 248.8 in a separate notice.

to the salesperson or customer is dependent on lottery; (iii) "any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering the sales of products of competitors \* \* \*;" (iv) "the effect may be to substantially lessen competition or tend to create a monopoly;" or (v) "similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act," 15 U.S.C. 13 (d) and (e).

To the extent that the interpretations prohibit industry members from surreptitiously compensating employees of their customers in exchange for greater effort on the part of those employees, they address commercial bribery, which may be prohibited under section 2(c) of the Clayton Act, 15 U.S.C. 13(c), and is proscribed by many state criminal statutes.<sup>6</sup> To the extent that they prohibit bonus plans dependent on lottery, they address business conduct which may be proscribed by section 5 of the FTC Act and by state statutes relating to lotteries and similar promotions.<sup>7</sup> To the extent the interpretations require payments to salespersons of competing customers to be on proportionally equal terms, they restate general principles of competition law that are set forth in section 2 of the Clayton Act and the Guides for Advertising Allowances and Other Merchandising Payments and Services ("Fred Meyer Guides"), 16 CFR part 240.

For these reasons, the Commission has determined that § 14.7 is unnecessary and superfluous.

### D. Section 14.11

Section 14.11, which the Commission issued in 1979, contains guidelines designed to prevent deception and to advise manufacturers and dealers of motor vehicles built for use upon public highways about how they can avoid violating the FTC Act. These vehicles include truck chassis and incomplete vehicles used in building motor homes. The Commission issued the guidelines because it was concerned about misleading practices some manufacturers had used to identify the model years of heavy duty trucks and other vehicles whose features changed little from year to year.

<sup>6</sup> See e.g., Cal. Penal Code sec. 641.3 *et seq.* (Deering 1995); Ill. Rev. Stat., Ch. 38, para. 29A-1 (1995); N.Y. Penal Law sec. 180.00 (McKinney 1976).

<sup>7</sup> See e.g., Tex. Penal Code sec. 32.42 (West 1995); Cal. Bus. & Prof. Code sec. 17539.1 (Deering 1995); Cal. Penal Code sec. 319 *et seq.* (Deering 1995).

<sup>3</sup> See section 553(b)(A) of the Administrative Procedure Act, 15 U.S.C. 553(b)(A).

After it issued the guidelines, the Commission accepted consent agreements with most of the manufacturers of those heavy duty trucks and other vehicles.<sup>8</sup> The consent agreements provide adequate guidance for manufacturers of such vehicles and others concerning how to avoid violating the FTC Act regarding a vehicle's model year.

For these reasons, the Commission has determined that § 14.11 is unnecessary and superfluous.

#### *E. Section 14.16*

Section 14.16 contains interpretations, published in 1982, concerning the compliance responsibilities under the Truth-in-Lending Simplification and Reform Act of 1980, Pub. L. 96-221, 94 Stat. 168, and the revisions of Regulation Z, 12 CFR part 226, that were published by the Federal Reserve Board in 1981, 46 FR 20848, for those creditors and advertisers subject to final cease and desist orders issued by the Commission prior to April 1, 1981 that require compliance with provisions of the original Truth-in-Lending Act ("TILA"), 15 U.S.C. 1601 *et seq.*, and prior Regulation Z. This section, therefore, applies Congress' simplification of TILA to pre-existing orders issued by the Commission that compel compliance with the TILA and Regulation Z.

The Commission believes that the current language in § 14.16 might be interpreted to freeze orders enacted prior to April 1, 1981 to the requirements of the TILA and Regulation Z as of April 1, 1981, and not to allow or require parties subject to Commission orders to meet the requirements of subsequent amendments to the TILA and Regulation Z. It is not the Commission's intent that section 14.16 have this effect. For this reason, the Commission has determined to revise § 14.16 to state clearly that the Commission will interpret TILA and Regulation Z provisions of all orders consistent with the current requirements of the TILA and Regulation Z, and with any subsequent amendments to the TILA and Regulation Z.

Further, §§ 1416(b)(1) and (b)(2) specify enforcement responsibilities during a transition period in 1981 and 1982. Because these sections no longer are relevant, the Commission has determined to delete these provisions,

and to renumber and revise the remainder of § 14.16(b).

#### *F. Section 14.17*

Section 14.17 contains an explanation of the Commission's policy concerning questions that are relevant when the Commission decides whether to initiate an enforcement action under the trade regulation rule regarding Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures ("Franchise Rule"), 16 CFR part 436. The Commission, however, has investigated and filed in court the vast bulk of its Franchise Rule enforcement actions since it published this Franchise Rule enforcement protocol in 1984. Thus, the protocol does not reflect, fully and accurately, the Commission's present enforcement policy. Moreover, the Commission currently is reviewing the Franchise Rule under its ongoing regulatory review program.<sup>9</sup>

For these reasons, the Commission repeals § 14.17. The Commission will consider whether it is necessary to issue an updated version of the protocol to reflect current law, fact and policy after it completes its regulatory review of the Franchise Rule.

Authority: 15 U.S.C. 41-58.

#### **List of Subjects in 16 CFR Part 14**

Advertising, motor vehicles, silk, textiles, trade practices, truth-in-lending.

#### **Text of Amendments**

Accordingly, under the authority of 15 U.S.C. 41-58, the Commission amends 16 CFR part 14 as follows:

#### **PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS**

1. Sections 14.2, 14.4, 14.7, 14.11 and 14.17 are removed.

2. Section 14.16 is revised to read as follows:

#### **14.16 Interpretation of Truth-in-Lending Orders consistent with amendments to the Truth-in-Lending Act and Regulation Z.**

##### *Introduction*

The Federal Trade Commission (FTC) has determined that there is a need to clarify the compliance responsibilities under the Truth-in-Lending Act (TILA) (Title I, Consumer Credit Protection Act, 15 U.S.C. 1601 *et seq.*), as amended by the Truth-in-Lending Simplification and

Reform Act of 1980 (Pub. L. 96-221, 94 Stat. 168), and under revised Regulation Z (12 CFR part 226, 46 FR 20848), and subsequent amendments to the TILA and Regulation Z, of those creditors and advertisers who are subject to final cease and desist orders that require compliance with provisions of the Truth-in-Lending statute or Regulation Z. Clarification is necessary because the Truth-in-Lending Simplification and Reform Act and revised Regulation Z significantly relaxed prior Truth-in-Lending requirements on which provisions of numerous outstanding orders were based. The Policy Statement provides that the Commission will interpret and enforce Truth-in-Lending provisions of all orders so as to impose no greater or different disclosure obligations on creditors and advertisers named in such orders than are required generally of creditors and advertisers under the TILA and Regulation Z, and subsequent amendments to the TILA and Regulation Z.

#### *Policy Statement*

(a) All cease and desist orders issued by the FTC that require compliance with provisions of the Truth-in-Lending Act and Regulation Z (12 CFR part 226) will be interpreted and enforced consistent with the amendments to the TILA incorporated by the Truth-in-Lending Simplification and Reform Act of 1980, and the revision of Regulation Z implementing the same, promulgated on April 1, 1981 by the Board of Governors of the Federal Reserve System (46 FR 20848), and by subsequent amendments to the TILA and Regulation Z. Likewise, the Federal Reserve Board staff commentary to revised Regulation Z (46 FR 50288, October 9, 1981), and subsequent revisions to the Federal Reserve Board staff commentary to Regulation Z, will be considered in interpreting the requirements of existing orders.

(b) After an amendment to Regulation Z becomes effective, compliance with the revised credit disclosure requirements will be considered compliance with the existing order, and:

(1) To the extent that revised Regulation Z deletes disclosure requirements imposed by any Commission order, compliance with these requirements will no longer be required; however,

(2) To the extent that revised Regulation Z imposes additional disclosure or format requirements, a failure to comply with the added requirements will be considered a violation of the TILA.

(c) A creditor or advertiser must continue to comply with all provisions

<sup>8</sup> See Mack Trucks, Inc., 94 F.T.C. 236 (1979); Chrysler Motors Corp., 94 F.T.C. 245 (1979); Ford Motor Company, 94 F.T.C. 254 (1979); Paccar, Inc., 94 F.T.C. 263 (1979); White Motor Corp., 94 F.T.C. 272 (1979); and International Harvester 94 F.T.C. 281 (1979).

<sup>9</sup> Request for comments, 60 FR 17656 (April 7, 1995).

of the order which do not relate to Truth-in-Lending Act requirements or are unaffected by Regulation Z. These provisions are not affected by this policy statement and will remain in full force and effect.

#### *Staff Clarifications*

The Commission intends that this Enforcement Policy Statement obviate the need for any creditor or advertiser to file a petition to reopen and modify any affected order under section 2.51 of the Commission's rules of practice (16 CFR 2.51). However, the Commission recognizes that the policy statement may not provide clear guidance to every creditor or advertiser under order. The staff of the Division of Enforcement, Bureau of Consumer Protection, will respond to written requests for clarification of any order affected by this policy statement.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

**Statement of Commissioner Mary L. Azcuenaga Concurring in 16 CFR Part 14, Matter No. P954215; Repeal of Mail Order Insurance Guides, Matter No. P954903; Repeal of Guides Re: Debt Collection, Matter No. P954809; and Free Film Guide Review, Matter No. P959101**

In a flurry of deregulation, the Commission today repeals or substantially revises several Commission guides and other interpretive rules.<sup>1</sup> The Commission does so without seeking public comment. I have long supported the general goal of repealing or revising unnecessary, outdated, or unduly burdensome legislative and interpretive rules, and I agree that the repeal or revision of these particular guides and interpretive rules appears reasonable. Nevertheless, I cannot agree with the Commission's decision not to seek public comment before making these changes.

Although it is not required to do so under the Administrative Procedure Act, 5 U.S.C. 553(b)(A), the Commission traditionally has sought public comment before issuing, revising, or repealing its guides and other interpretive rules. More specifically, the Commission adopted a policy in 1992 of reviewing each of its guides at least once every ten years and issuing a request for public comment as part of this review. See FTC Operating Manual ch. 8.3.8. The Commission decided to seek public comment on issues such as: (1) The economic impact of and continuing need for the guide; (2) changes that should be made in the guide to minimize any adverse economic effect; (3) any possible conflict between the guide and

any federal, state, or local laws; and (4) the effect on the guide of technological, economic, or other industry changes, if any, since the guide was promulgated.

*Id.* The Commission has sought public comment and has posed these questions concerning a number of guides since adopting its procedures for regulatory review in 1992.<sup>2</sup>

Notwithstanding its long-standing, general practice of seeking public comment and its specific policy of seeking public comment as part of its regulatory review process, the Commission has chosen not to seek public comment before repealing or revising these guides and interpretive rules. Why not? Has the Commission changed its view about the potential value of public comment? Perhaps the Commission knows all the answers, but then again, perhaps not. Although reasonable arguments can be made for repeal or revision of these guides and interpretive rules, public comment still might prove to be beneficial.

In addition, the relatively short period of time that would be required for public comment should not be problematic. The Commission has not addressed any of these guides or interpretive rules in the last ten years. Indeed, it has not addressed some of them for thirty years or more. For example, the Commission apparently has not addressed the interpretive rule concerning the use of the word "tile" in designation of non-ceramic products since it was issued in 1950.<sup>3</sup> The continued existence of these guides and interpretive rules during a brief public comment period surely would cause no harm because they are not binding and because, arguably, they are obsolete. I seriously question the need to act so precipitously as to preclude the opportunity for public comment.<sup>4</sup>

In 1992, the Commission announced a careful, measured approach for reviewing its guides and interpretive rules, and public comment has been an important part of that process. Incorporating public comment into the review is appropriate and sensible. Although I have voted in favor of repealing or revising these guides and interpretive rules, I strongly would have preferred that the Commission seek public comment before doing so.

[FR Doc. 95-19926 Filed 8-14-95; 8:45 am]

**BILLING CODE 6750-01-M**

<sup>2</sup> See, e.g., Requests for Comments Concerning Guides for the Hosiery Industry, 59 FR 18004 (Apr. 15, 1994); Request for Comment Concerning Guides for the Feather and Down Products Industry, 59 FR 18006 (Apr. 15, 1994).

<sup>3</sup> 16 CFR 14.2.

<sup>4</sup> Unfortunately, seeking public comment would not permit the Commission to count the repeal and revision of these guides and interpretive rules in its tally of completed actions in the Regulatory Reinvention Initiative Report that will be sent to the President on August 1, 1995, but perhaps that harm could be mitigated by reporting to the President that the Commission is seeking public comment concerning repeal or revision.

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 41

[Public Notice 2238]

#### **Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended; Business and Media Visas**

**AGENCY:** Bureau of Consular Affairs, DOS.

**ACTION:** Final rule.

**SUMMARY:** This rule implements the provisions of section 209 of the Immigration Act of 1990. This section creates a new nonimmigrant classification under INA 101(a)(15)(R). The new nonimmigrant visa classification provides for the temporary admission into the United States of "aliens in religious occupations."

**DATES:** August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, 202-663-1204.

**SUPPLEMENTARY INFORMATION:** On January 6, 1992, at 57 FR 341, the Department of State published an interim rule in the **Federal Register** and requested comments from interested parties by February 5, 1992. The Visa Office received six comments on the interim rule and considered each one of the comments in the preparation of the final rule.

#### **General**

As explained in the preamble to the interim rule, the Immigration Act of 1990, Public Law 101-649, amended INA 101(a)(27)(C) and created INA 101(a)(15)(R). The substantive standards for the nonimmigrant and immigrant provisions are the same with the exception that the immigrant category requires that the immigrant alien must have been performing out one of the vocations and activities listed in INA 101(a)(27)(C) during the 2 years immediately preceding the petition for special immigrant status. A significant procedural difference between the nonimmigrant visa classification and the special immigrant category lies in the fact that a petition must be filed with and approved by the Immigration and Naturalization Service (INS) to accord special immigrant status. Although no petition is required to establish entitlement under the "R" visa classification, the applicable standards common to the two visas must be applied by the INS and the Department

<sup>1</sup> Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements, 16 CFR part 14; Guides for the Mail Order Insurance Industry, 16 CFR part 234; Guides Against Debt Collection Deception, 16 CFR part 237; and Guide Against Deceptive Use of the Word "Free" in Connection With the Sale of Photographic Film and Film Processing Services, 16 CFR part 242.

of State. It is essential, therefore, that the standards be the same. To ensure that the regulatory standards were indeed the same, the publication of the Department's interim rule was delayed until the publication on December 27, 1991 of INS' final rule relating to the "R" visa. A comparison of the two regulations reveals that the language of the portions common to both agencies is almost identical.

### Comments

One commenter objected to the rule being published as an interim rule rather than as a proposed rule. The commenter expressed concern that the interim rule was published prior to the solicitation of public comments rather than afterward. He saw this as a violation of the Administrative Procedure Act, 5 U.S.C. 551 et seq. Section 553(b)(3) of the Administrative Procedure Act exempts Federal agencies from the more extensive notice requirements of proposed rule making when such notice is "impracticable \* \* \* or contrary to the public interest." As the commenter correctly pointed out, however, where a Federal agency finds that proposed rule making is "contrary to the public interest," section 553(b)(3)(B) requires the Federal agency to provide a statement of reasons for that finding. Although the Department failed to provide such a statement when it published the interim rule, the Department believes that the public interest standard was, in fact, met. The Department sought to publish a regulation governing the issuance of R visas as soon as possible as the INS final rule on R visas (upon which our regulations are dependent) had been published on December 27, 1991. The Department sought prompt publication of this rule to ensure consistency. This interim rule also called for public comment, soliciting comments for any possible amendments in the final rule.

The Department received one comment concerning the definition of religious denomination at § 41.58(b). The commenter made the point that the use of the word "interdenominational" may cause ambiguity. Consequently, it was suggested that either "interdenominational" be deleted or that the sentence be amended to read "interdenominational as well as religious organizations." The purpose of the use of the term "interdenominational" is to be expansive and to include not just single religious groups, i.e., denominations, but also, those entities which consist of two or more religious groups. As the language of the interim rule conveys the

intended meaning, it will be retained in the final rule.

One commenter suggested that the definition of "bona fide nonprofit religious organization in the United States" is too narrow. The interim rule defines such organization as one which has been found to be tax exempt as described in section 501(c)(3) of the Internal Revenue Code of 1986, as it relates to religious organizations, or as an organization which would in the opinion of a consular officer be eligible for such tax exempt status had application been made. The commenter stated that the definition was overly restrictive for four reasons: first, the statute does not require that definitional standard; secondly, the rule conflicts with agency policy; thirdly, the rule conflicts with legislative history; and fourthly, the tax exempt status is not a viable means to determine nonprofit status. The Immigration Act of 1990 amended the definition of a religious organization by adding a specific reference to the tax exempt provisions of the Internal Revenue Code. Formerly, INA 101(a)(27)(C) required the applicant to submit proof of tax exempt status as accorded by the IRS. Practice has found that this is the most viable way to address the issue of qualifying organizations. The definition of religious organization in connection with the Internal Revenue Code is, therefore, entirely consistent with the plain language of INA 101(a)(15)(R). Consequently, the regulation has not been amended in this regard.

A commenter objected to language in the supplementary information preceding the interim rule that an affiliated organization to the religious organization, defined in § 41.58(d), be "subordinate or dependent." It should be noted that the language of the final rule is consistent with INS' final rule and does not include this requirement. The supplementary information inaccurately characterized the definition of an affiliated organization.

One commenter objected to the requirement that a professional religious worker (§ 41.58(f)) possess at least a U.S. baccalaureate degree or its foreign equivalent. The commenter claimed that because there is no degree requirement in the Act, there can be no statutory basis for instituting such a requirement. The commenter also contended that the "R" classification encompasses credentials and experience that are less quantifiable than their counterparts in other nonimmigrant visa categories. The thrust of the argument is that degree equivalence in the form of experience, etc. should be permitted for religious workers. On the other hand, a

commenter opined that the proposed definition of professional capacity was not restrictive enough.

The INS addressed these same issues in the supplementary information to their final rule. We are in accord with that agency's reasoning and conclusion and retain the language in the final rule. This language is consistent with INS' regulations for the "R" visa as well as the immigrant religious worker visa category. In addition to ministers of religion the statute provides for two classes of religious workers; those working in a religious vocation or occupation and those working in a religious vocation or occupation in a professional capacity. The distinguishing feature between these two classes of religious workers lies obviously in the element of "professional capacity". By making this distinction, it is assumed that Congress intended that there be a difference in meaning. The only reasonable meaning lies in defining professional capacity in the manner that is reflected in the regulation. The statute has defined "profession" in INA 101(a)(32) and has defined "professional" at INA 203(b)(3)(A). In the latter provision the statute requires the professional to have a baccalaureate degree, thus shedding light on congressional intent in the religious worker context. To accept the proposal about equivalency would remove any meaningful distinction between these two classes of religious workers. Religious workers who have experience in lieu of a baccalaureate degree would qualify under the general class of religious workers involved in a religious vocation or occupation. It should be noted that foreign degrees equivalent to the U.S. baccalaureate are recognized and accepted.

One commenter suggests that the "traditional" religious function should be liberally construed. The commenter is apparently referring to § 41.58(g) and is not requesting any regulatory change but is merely expressing the view that in implementing this subsection the Department interpret this concept "liberally." Consular officers will be instructed to interpret this term contextually. The occupational activity must be reviewed in the context of the particular religion to determine if it is a "traditional" activity for that religion. No change in the regulation is, therefore, necessary.

The Department received a comment stating that the definition of "religious occupation" (at § 41.58(g)) was overly broad, specifically citing the list of the activities in subsection (g). It is crucial to note that the list of activities set forth in the regulation exactly mirrors the list

of activities that the House Committee on the Judiciary deemed were activities falling within the ambit of religious occupation, in their legislative history at H.R. 101-723, p. 75. The legislative history emphasizes that these activities must "relate to traditional religious functions." This qualifying element has, therefore, been incorporated into the regulation.

A commenter asked that the rule expressly recognize any combination of religious workers' duties to satisfy the employment requirement. The commenter argued that since religious worker positions often involve a wide array of duties and responsibilities and such positions will not fall cleanly within the parameters of any of the three religious worker subcategories, recognition for "hybrid" vocations and occupations should be accorded generally under this classification. The Department's responsibility is to administer this section of the INA as written. Visa applicants must demonstrate that they qualify under one of the three subcategories. The language of the statute and regulations defining religious occupation and religious vocation appear to be sufficiently broad to encompass the type of occupations which appear to be contemplated by the commenter. Nothing in the regulations limits a "religious occupation" to a single activity. The activities comprising the occupation must, however, "relate to a traditional religious function."

A commenter objected to language in the supplementary information to the interim rule describing religious vocation. The supplementary information states that "an alien who has taken vows or the equivalent and has made a lifetime commitment to a religion is presumed to be engaging in activities relating to a traditional religious function . . .". As pointed out by the commenter, in its final rule INS stated that the calling to religious life is "evidenced by the demonstration of commitment practiced in the religious denomination." The Department's interim rule and the final regulation use the same language and endorse this concept. The language in the supplementary information in the interim rule is much more restrictive and inconsistent with this regulatory language.

Lastly, a commenter asserted that a petition is required to accord "R" visa status. Because a petition is required to be filed with and approved by the INS as a condition precedent to visa application and issuance for certain nonimmigrant worker visa classifications, the commenter believed the petition requirement applied to this

classification as well. The INA in section 214 specifically requires the filing of a petition with INS regarding H, L, O, P, and Q visa classifications. However, Congress did not impose such a requirement with respect to the "R" visa classification. Consequently, no petition requirement will be imposed for this visa classification under the current state of the law.

#### Final Rule

This final rule provides the general requirements of this nonimmigrant classification in paragraph § 41.58(a); defines terms for this classification in paragraphs (b) through (g); and, prohibits, in paragraph (h), the issuance of an "R" visa to an alien who has spent five years in the United States in the "R" classification unless the alien has been resident and physically present outside the United States for the immediate preceding year.

This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith, and reviewed in light of E.O. 12866 and found to be consistent therewith.

#### List of Subjects in 22 CFR Part 41

Aliens in religious occupations, Nonimmigrants, Passports and visas, Religious organizations.

In view of the legislative mandate of Public Law 101-649, Part 41 to Title 22 is amended by adding new section 41.58.

#### PART 41—[AMENDED]

1. The authority citation for Part 41 continues to read:

**Authority:** 8 U.S.C. 1104.

2. Part 41, Subpart F—Business and News Media, is amended by adding § 41.58 to read as follows:

#### § 41.58 Aliens in religious occupations.

(a) Requirements for "R" classification. An alien shall be classifiable under the provisions of INA 101(a)(15)(R) if:

(1) The consular officer is satisfied that the alien qualifies under the provisions of that section; and

(2) The alien, for the 2 years immediately preceding the time of

application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(3) The alien seeks to enter the United States solely for the purpose of

(i) Carrying on the vocation of a minister of that religious denomination, or

(ii) At the request of the organization, working in a professional capacity in a religious vocation or occupation for that organization, or

(iii) At the request of the organization, working in a religious vocation or occupation for the organization, or for a bona fide organization which is affiliated with the religious denomination described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(4) The alien is seeking to enter the United States for a period not to exceed 5 years to perform the activities described in paragraph (3) of this section; or

(5) The alien is the spouse or child of an alien so classified and is accompanying or following to join the principal alien.

(b) Religious denomination. A religious denomination is a religious group or community of believers. Among the factors that may be considered in determining whether a group constitutes a bona fide religious denomination are the presence of some form of ecclesiastical government, a recognized creed and form of worship, a formal code of doctrine and discipline, religious services and ceremonies, established places of religious worship, and religious congregations. For purposes of this definition, an interdenominational religious organization which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 will be treated as a religious denomination.

(c) Bona fide nonprofit religious organization in the United States. For purposes of this section, a bona fide nonprofit religious organization is an organization exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986, as it relates to religious organizations, or one that has never sought such exemption but establishes to the satisfaction of the consular officer that it would be eligible therefore if it had applied for tax exempt status.

(d) Bona fide organization which is affiliated with the religious denomination. A bona fide organization affiliated with the religious denomination is an organization which is both closely associated with the religious denomination and exempt

from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986, as it relates to religious organizations.

(e) Minister of religion. A minister is an individual who is duly authorized by a recognized religious denomination to conduct religious worship and to perform other duties usually performed by authorized members of the clergy of that religion. A minister does not include a lay preacher who is not authorized to perform such duties. In all cases, there must be a reasonable connection between the activities performed and the religious calling of a minister.

(f) Professional capacity. Working in a professional capacity means engaging in an activity in a religious vocation or occupation which is defined by INA 101(a)(32) or for which the minimum of a United States baccalaureate degree or a foreign equivalent degree is required for entry into that field of endeavor.

(g) Religious occupation. A religious occupation is the habitual employment or engagement in an activity which relates to a traditional religious function. Examples of individuals in religious occupations include, but are not limited to liturgical workers, religious instructors, religious counselors, cantors, catechists, workers in religious hospitals or religious health care facilities, missionaries, religious translators, or religious broadcasters. This group does not include janitors, maintenance workers, clerks, fund raisers, or persons solely involved in the solicitation of donations.

(h) Religious vocation. A religious vocation is a calling to religious life evidenced by the demonstration of commitment practiced in the religious denomination, such as the taking of vows. Examples of individuals with a religious vocation include, but are not limited to nuns, monks, and religious brothers and sisters.

(i) Alien not entitled to classification under INA 101(a)(15)(R). An alien who has spent 5 years in the United States under INA 101(a)(15)(R) is not entitled to classification and visa issuance under that section unless the alien has resided and been physically present outside the United States, except for brief visits to the United States for business or pleasure, for the immediate prior year.

Dated: August 9, 1995.

**Diane Dillard,**

*Acting Assistant Secretary for Consular Affairs.*

[FR Doc. 95-20139 Filed 8-14-95; 8:45 am]

BILLING CODE 4710-06-P

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 2619 and 2676

#### Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in September 1995, and to multiemployer plans with valuation dates in September 1995. The effect of these amendments is to advise the public of the adoption of these assumptions.

**EFFECTIVE DATE:** September 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4179 for TTY and TDD).

**SUPPLEMENTARY INFORMATION:** This rule adopts the September 1995 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the "single-employer regulation") and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the "multiemployer regulation").

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities," i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans

terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during September 1995 and multiemployer plans that have undergone mass withdrawal and have valuation dates during September 1995.

For annuity benefits, the interest rates will be 6.40% for the first 20 years following the valuation date and 5.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00% for the period during which benefits are in pay status, 4.25% during the seven-year period directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent an increase (from those in effect for August 1995) of .20 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent an increase (from those in effect for August 1995) of .25 percent of the period during which benefits are in pay status and the seven years directly preceding that period. They are otherwise unchanged.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However,





TABLE I  
[Lump sum valuations]

|                                             |   |   |       | The values of $i_t$ are: |           |       |           |       |
|---------------------------------------------|---|---|-------|--------------------------|-----------|-------|-----------|-------|
| For valuation dates occurring in the month— |   |   |       | $i_t$                    | for $t =$ | $i_t$ | for $t =$ | $i_t$ |
| *                                           | * | * | *     |                          | *         | *     |           | *     |
| September 1995 .....                        |   |   | .0640 | 1–20                     | .0575     | >20   | N/A       | N/A   |

**PART 2676—[AMENDED]**

3. The authority citation for part 2676 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 23 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both table is republished for the convenience of the reader and remains unchanged.

**Appendix B to Part 2676—Interest Rates Used To Value Lump Sums and Annuities***Lump Sum Valuations*

In determining the value of interest factors of the form  $v_0^n$  (as defined in

§ 2676.13(b)(1)) for purposes of applying the formula set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of  $i_t$  prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $0 < y \leq n_1$ ), interest rate  $i_1$  shall apply from the valuation date for a period of  $y$

years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $n_1 < y \leq n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $y > n_1 + n_2$ ), interest rate  $i_3$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_2$  shall apply for the following  $n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

TABLE I  
[Lump sum valuations]

| Rate set | For plans with a valuation date<br>On or after | Before  | Immediate annuity rate (percent) | Deferred annuities (percent) |       |       |       |       |
|----------|------------------------------------------------|---------|----------------------------------|------------------------------|-------|-------|-------|-------|
|          |                                                |         |                                  | $i_1$                        | $i_2$ | $i_3$ | $n_1$ | $n_2$ |
| 23       | 9–1–95                                         | 10–1–95 | 5.00                             | 4.25                         | 4.00  | 4.00  | 7     | 8     |

*Annuity Valuations*

In determining the value of interest factors of the form  $V_0^n$  (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13(b) through (i) and in determining the value of any interest factor used in valuing

annuity benefits under this subpart, the plan administrator shall use the values of  $i_t$  prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by  $i_1, i_2, i_3$ , and referred to generally as  $i_t$ ) assumed

to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

Table II  
[Annuity valuations]

| For valuation dates occurring in the month— |       |   | The values of $i_t$ are: |           |       |           |       |           |
|---------------------------------------------|-------|---|--------------------------|-----------|-------|-----------|-------|-----------|
|                                             |       |   | $i_t$                    | for $t =$ | $i_t$ | for $t =$ | $i_t$ | for $t =$ |
| *                                           | *     | * | *                        |           | *     | *         | *     |           |
| September 1995                              | ..... |   | .0640                    | 1–20      | .0575 | >20       | N/A   | N/A       |

Issued in Washington, DC, on this 8th day of August 1995.

**Martin Slate,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 95-20141 Filed 8-14-95; 8:45 am]

BILLING CODE 7708-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

#### Alabama Abandoned Mine Land Reclamation Plan

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Alabama abandoned mine land reclamation plan (hereinafter referred to as the "Alabama plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alabama proposed revisions and additions to its plan pertaining to contractor bidder eligibility screening, exclusion of certain noncoal sites from reclamation, requirement of form submission upon project completion, and removal of fourth priority for noncoal reclamation sites. The amendment is intended to revise the Alabama plan to be consistent with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Jesse Jackson, Jr., Director, Birmingham Field Office, OSM, 135 Gemini Circle, Suite 215, Birmingham, Alabama 35209, Telephone: (205) 290-7287.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Alabama Plan.
- II. Submission of the Proposed Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

#### I. Background on the Alabama Plan

On May 20, 1982, the Secretary of the Interior approved the Alabama plan. Background information on the Alabama plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and amendments to the plan can be found at 30 CFR 901.25.

#### II. Submission of the Proposed Amendment

By letter dated December 5, 1994 (Administrative Record No. AL-512), Alabama submitted a proposed amendment to its plan pursuant to SMCRA in response to a September 2, 1994, letter that OSM sent to Alabama in accordance with 30 CFR 884.15(d). Alabama proposed to amend two sections of its plan. At "Administrative and Management Structure of the Alabama Abandoned Mine Land Reclamation Program Pursuant to 30 CFR Part 884.13(d)," Alabama proposed to incorporate a contractor responsibility requirement under OSM's Applicant Violator System (AVS) for the reclamation of coal and noncoal sites. At "Ranking and Selection Procedures Pursuant to 30 CFR Part 884.13(c)(2)," Alabama proposed to exclude certain noncoal sites from reclamation and require submission of form OSM-76 upon project completion.

OSM announced receipt of the proposed amendment in the December 19, 1994, **Federal Register** (59 FR 65287), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on January 18, 1995.

During its review of the amendment, OSM identified concerns relating to Alabama's organizational chart, personnel positions, identification of agencies, purchasing and procurement functions, resolution of audits, research and development, ranking and selection parameters, site evaluation, and final project selection.

OSM notified Alabama of these concerns by letter dated March 1, 1995 (Administrative Record No. AL-0534). By letters dated March 27, 1995 (Administrative Record No. AL-0535) and April 18, 1995 (Administrative Record No. AL-0539), Alabama responded to OSM's concerns by submitting additional explanatory information and revisions to its proposed plan amendment.

Alabama proposed additional revisions to its administrative and management structure and ranking and selection procedures which are intended to clarify its personnel positions and organizational structure and its procedure for the prioritization and selection of projects.

Because the additional explanatory information and revisions submitted by Alabama merely clarified the provisions of the proposed plan amendment, OSM did not reopen the public comment period.

#### III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

##### 1. Procedures for Ranking and Selecting Abandoned Mine Land Reclamation Projects

*A. Preliminary Site Evaluation.* Alabama is proposing to revise its ranking and selection procedures for abandoned mine land (AML) reclamation projects. Specifically, at section II(B)2d, Alabama is proposing to delete the requirement that a project be evaluated according to whether or not it will be designated a "Research and Demonstration Project" to develop new technology. At section II(B)3d, Alabama is proposing to delete priority 4—Research and Development, and at section II(B)3j, it is proposing to delete priority 10—Public Facilities (Non-Coal).

Section 403(a) of SMCRA defines the priorities for the expenditures of moneys on eligible lands and waters which were mined for coal or affected by such mining. As amended by the Energy Policy Act of 1992, this section no longer authorizes funding of a research and development priority. Sections 411(c) and (e) of SMCRA define the priorities for non-coal sites. The Director finds that the proposed deletions at sections II(B)2d, II(B)3d, and II(B)3j do not render the Alabama program less effective than sections 403(a) and 411(c) and (e) of SMCRA.

*B. Intensive Site Evaluation.* At section II(D), Alabama is proposing to modify its site parameters to correspond with the current list of resource values reviewed under the National Environmental Policy Act, adding the noise and topography parameters.

The Federal regulations at 30 CFR 884.13(c) require that the State provide a description of the policies and procedures it will follow in conducting the reclamation program. The Director finds the proposed revisions at section II(D) to be consistent with the Federal regulations at 30 CFR 884.13(c) and not inconsistent with section 403(a) of SMCRA.

*C. Exclusion of Certain Noncoal Reclamation Sites.* At section II(F), Alabama is proposing to add a new section—Exclusion of Certain Noncoal

Reclamation Sites—which provides that money from the AML reclamation fund not be used for the reclamation of sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The Director finds that the proposed addition at section II(F) is substantively identical to and therefore no less effective than section 411(d) of SMCRA.

**D. Consultation.** At section II(G)6, Alabama is proposing to add to its consultation list regional planning and development districts affected by individual projects and deleting the Alabama Department of Economic and Community Affairs.

The Federal regulations at 30 CFR 884.13(c)(3) and (c)(7) require that the State provide procedures for public participation and involvement in the State reclamation program. The Director finds the proposed revisions at section II(G)6 to be not inconsistent with the Federal regulations at 30 CFR 884.13(c)(3) and (c)(7).

**E. Completion Report.** At section II(I), Alabama is adding the requirement that Form OSM-76, "Abandoned Mine Land Problem Area Description," be submitted upon project completion.

The Federal regulations at 30 CFR 884.13(c) require that the State describe the policies and procedures to be followed in conducting the reclamation program. The Director finds the proposed addition at section II(I) to be consistent with the Federal regulations at 30 CFR 884.13(c) and 30 CFR 886.23(c).

## 2. Administrative and Management Structure

**A. Personnel.** At section I(C), Alabama is proposing to revise its listing of job titles to include "Abandoned Mine Land Chief Planner" and delete "Right-of-Way Specialist III." Other minor changes to its job classification system have also been made.

**B. Personnel Policies.** At section III, Alabama is proposing to revise its personnel policies to make non-substantive wording changes.

**C. Purchasing and Procurement Policies.** At section V, Alabama is proposing to require that to receive AML funds for coal or noncoal reclamation, every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) (Review of Violations) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Bidder eligibility must be confirmed by OSM's AVS.

The Federal regulations at 874.16 and 875.20 require that successful bidders for an AML contract must be eligible under 30 CFR 773.15(b) at the time of contract award to receive a permit to conduct surface coal mining operations. Bidder eligibility must be confirmed by OSM's AVS for each contract to be awarded. The Director finds the changes at sections I and III are consistent with requirements found at 30 CFR 884.13(d)(2) and (3). The Director finds the proposed revisions at section V to be consistent with the Federal regulations at 30 CFR 874.16 and 875.20.

## IV. Summary and Disposition of Comments

### Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

### Federal Agency Comments

Pursuant to 884.14(a)(2) and 884.15(a), the Director solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Alabama plan. The Department of the Interior, Bureau of Mines; the Department of the Army, Corps of Engineers; and the Department of Agriculture, Natural Resources Conservation Service concurred without comment.

### Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), the Director solicited the written concurrence of the Administrator of the EPA with respect to those provisions of the proposed plan amendment which relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (33 U.S.C. 1252 *et seq.*). None of the revisions that Alabama proposed to make in its amendment pertain to air or water quality standards. Therefore, no response was received from EPA, neither was one necessary.

## V. Director's Decision

Based on the above findings, the Director approves the proposed plan amendment as submitted by Alabama on December 5, 1994, and as revised on March 27, 1995, and April 18, 1995.

## VI. Procedural Determinations.

### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR Parts 884 and 888.

### National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [516 DM 6, appendix 8, paragraph 8.4B(29)].

### Paperwork Reduction Act

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

### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject to this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the

determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analysis for the corresponding Federal regulations.

#### **List of Subjects in 30 CFR Part 901**

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 3, 1995.

#### **Brent Wahlquist,**

*Regional Director Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

#### **PART 901—ALABAMA**

1. The authority citation for Part 901 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 901.25 is amended to add paragraph (e) to read as follows:

#### **§ 901.25 Amendment to approved Alabama abandoned mine land reclamation plan.**

\* \* \* \* \*

(e) The Alabama amendment pertaining to the Alabama abandoned mine land reclamation plan, as submitted to OSM on December 5, 1994, and revised on March 27, 1995, and April 18, 1995, is approved effective August 15, 1995.

[FR Doc. 95-19981 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-05-M

#### **DEPARTMENT OF THE TREASURY**

##### **31 CFR Part 0**

#### **Department of the Treasury Employee Rules of Conduct**

**AGENCY:** Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** On Thursday, June 1, 1995, the Department of the Treasury published the Employee Rules of Conduct as an interim rule. The rule became effective upon publication and comments were invited from the public until July 3, 1995. The Department did not receive any comments on the interim rule. Accordingly, the Department adopts the interim rule as a final rule without amendment.

**EFFECTIVE DATE:** This rule is effective as a final rule on August 15, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Stephen J. McHale, Henry H. Booth, or R. Peter Rittling, Office of the Assistant General Counsel (General Law and

Ethics), Department of the Treasury, telephone (202) 622-0450, FAX (202) 622-1176, e-mail Peter.Rittling@treas.sprint.com.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Matters of Regulatory Procedure**

#### **Executive Order 12866, Regulatory Planning and Review**

This rule is limited to agency organization, management and personnel matters; therefore, it is not subject to Executive Order 12866.

#### **Regulatory Flexibility Act**

It is hereby certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule affects only Federal employees.

#### **List of Subjects in 31 CFR Part 0**

Government employees.

Dated: August 8, 1995.

#### **Edward S. Knight,**

*General Counsel, Department of the Treasury.*

#### **PART 0—DEPARTMENT OF THE TREASURY EMPLOYEE RULES OF CONDUCT**

The interim rule revising 31 CFR Part 0 which was published at 60 F.R. 28535, on June 1, 1995, is adopted as a final rule without change.

**Authority:** 5 U.S.C. 301.

[FR Doc. 95-19990 Filed 8-14-95; 8:45 am]

BILLING CODE 4810-25-P

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[OH40-1-5784a; AD-FRL-5276-7]

#### **Approval and Promulgation of Small Business Assistance Program; Ohio**

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Final rule.

**SUMMARY:** USEPA is approving the State Implementation Plan (SIP) revision submitted by the State of Ohio for the purpose of establishing a Small Business Assistance Program (SBAP). The implementation plan was submitted by the State to satisfy the Federal mandate, found in section 507 of the Clean Air Act (CAA), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA.

**DATES:** This action will be effective October 16, 1995 unless notice is

received by September 14, 1995, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document are available for inspection during normal business hours at the following location: Regulation Development Section, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Branch, Regulation Development Section (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-6067.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Implementation of the provisions of the Clean Air Act (CAA), as amended in 1990, will require regulation of many small businesses, both to provide for attainment of the national ambient air quality standards (NAAQS) in the areas in which they are located and to reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Assistance Program (SBAP) and submit this SBAP as a revision to the Federally approved SIP. In addition, the CAA directs the USEPA to oversee these small business assistance programs and report to Congress on their implementation.

The requirements for establishing a SBAP are set out in section 507 of the CAA. In January 1992, USEPA issued Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments, in order to delineate the Federal and State roles in meeting the new statutory provisions and to provide further guidance to the States on submitting acceptable SIP revisions. This guidance specifies that the State submittal must provide for each of the

following SBAP elements: (1) the establishment of a SBAP to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP.

Ohio's initial submittal addressing SBAP requirements was a commitment and schedule submitted to USEPA on January 8, 1993. More complete descriptions of the planned program were submitted on November 10, 1993, and May 17, 1994. USEPA expressed concern that Ohio was including unacceptable provisions for confidentiality of emissions data. After considerable discussion of this issue, USEPA issued revised guidance on August 12, 1994, providing two new alternatives by which sources would not be "penalized" (via added enforcement action or adverse publicity) for seeking SBAP assistance and yet by which appropriate enforcement under Sections 113 and 114 may properly proceed. Ohio submitted a further refinement of its SBAP in accordance with this policy on May 4, 1995. The following section evaluates whether these submittals satisfy the requirements for SBAP programs.

## II. Evaluation of State Submittals

### A. Assistance to be Provided to Small Businesses

Six of the seven requirements set forth in section 507(a) specify types of assistance that the State must provide to have an approvable SBAP. (The seventh requirement of section 507(a), establishment of an Ombudsman office, is discussed in the next section.) (1) The State must establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with the Act; (2) The State must establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution; (3) The State must develop a compliance and technical assistance program for small business stationary

sources which assists small businesses in determining applicable requirements and in receiving permits under the Act in a timely and efficient manner; (4) The State must develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the Act; (5) The State must develop adequate mechanisms for informing small business stationary sources of their obligations under the Act, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the Act; and (6) The State must develop procedures for consideration of requests from a small business stationary source for modification of (a) any work practice or technological method of compliance, or (b) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

Ohio's submittals specify suitable mechanisms its SBAP will use to be able to satisfy these requirements. Ohio is operating its SBAP as part of the Division of Air Pollution Control of the Ohio Environmental Protection Agency (OEPA). As a result, SBAP staff will have direct access to the expertise of OEPA staff in order to provide small businesses the information on compliance techniques, applicable requirements, technical information on efficient and effective means of achieving compliance, pollution prevention opportunities, and other information small businesses need to achieve and maintain compliance. The SBAP will also provide audits where appropriate.

### B. Ombudsman.

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. Ohio has established an Ombudsman's office at the Ohio Air Quality Development Authority (OAQDA). The OAQDA is a financing agency for industries that are trying to meet pollution control requirements. It was established by the Ohio General Assembly in 1970 as an independent organization. OAQDA's current work has given it expertise in complicated technical issues. The OAQDA has hired

personnel to develop and execute the program and will implement the functions set forth in USEPA's guidance.

### C. Compliance Advisory Panel.

Section 507(e) requires the State to establish a Compliance Advisory Panel (CAP) that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The State has committed to establish a CAP according to the methods set forth in section 507(e) of the CAA.

In addition to establishing the minimum membership of the CAP the CAA delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (2) to periodically report to USEPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act<sup>1</sup>; (3) to review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has committed to meet these requirements by establishing the Panel and assigning the Panel functions as set forth in section 507(e) of the CAA.

### D. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

1. Is owned or operated by a person who employs 100 or fewer individuals;
2. Is a small business concern as defined in the Small Business Act;
3. Is not a major stationary source;
4. Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and
5. Emits less than 75 tpy of all regulated pollutants.

Ohio defines the number of employees on a full-time equivalent basis, which results in availability of small business assistance to slightly more companies than would be the case with a definition on a number of people employed basis.

<sup>1</sup> Section 507(e)(1)(B) requires the CAP to report on the compliance of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, EPA believes that the State SBAP must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.

USEPA permits States to grant SBAP eligibility to sources that do not meet the criteria of sections 507(c)(1) (C), (D), and (E) of the CAA but do not emit more than 100 tpy of all regulated pollutants. Ohio has chosen to grant such eligibility if its resources are underutilized.

USEPA also permits States to exclude from the small business stationary source definition, after consultation with the USEPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the CAA. Ohio's plan contains provisions to exclude such sources.

#### *E. Schedule*

The State submitted a detailed schedule for implementation of its SBAP, including milestones for adoption of legislation, adoption of SIP elements, hiring of staff, and other actions necessary to initiate SBAP operations. These dates have now passed, and Ohio has completed its commitments sufficiently to begin providing assistance to small businesses.

#### *F. Confidentiality*

An important issue for SBAPs in general, and Ohio's SBAP in particular, is the extent to which the State may promise sources seeking SBAP assistance that the information the State obtains will be kept confidential. On the one hand, sources may choose not to seek the benefits of SBAP assistance without being assured that they will not be penalized for seeking that assistance, whether by becoming subject to enforcement action that they would not otherwise have encountered or by receiving adverse publicity for noncompliance. On the other hand, Section 114 of the CAA specifically provides that emissions data shall not be kept confidential, and a source must not be shielded from enforcement action simply by having requested SBAP assistance.

A review by USEPA of earlier Ohio's SBAP submittals, documented in a technical support document dated April 21, 1994, concluded that Ohio's legislation and program description granted excessive confidentiality, including confidentiality of emissions data, and thereby contravened Section 114 of the CAA and USEPA's guidance on the proper balance between confidentiality and enforcement. After further consideration of the confidentiality issue, USEPA

established a revised policy on this issue by a memorandum dated August 12, 1994. The revised policy provides two new options designed to balance the needs of sources (which need to believe they will not be penalized for seeking SBAP assistance) with the needs of USEPA's enforcement and compliance assurance program. The first option under the revised policy, labeled the "correction period option," allows States in specified circumstances to give small businesses up to 90 days to correct violations discovered during SBAP assistance. The second option, labeled the "confidentiality option," allows States with separation between their SBAP and their enforcement program to have the SBAP keep the identity of noncomplying sources confidential, though the SBAP is to provide statistical and other summary information to the enforcement program, and the State is to retain the option of taking enforcement action considering whether SBAP participation reflects good faith effort to achieve compliance.

Ohio has adopted the "confidentiality option." In its description of its SBAP, by memorandum dated April 27, 1995, Ohio uses language very similar to that given in USEPA's policy to describe how it will handle information obtained as a result of SBAP assistance. Ohio's SBAP "will keep confidential information regarding violations detected in the program, including names and locations of businesses, [but] will provide emissions data and general statistical information such as the types of noncompliance being encountered." In addition, the State reserves the right to conduct follow-up audits to assess program effectiveness. At the same time, Ohio's SBAP description states that "[Ohio's] enforcement program is not prohibited from taking action against small businesses who are receiving SBAP assistance. However, considering that [enforcement staff] are granted enforcement discretion, the enforcement program may consider a company's good faith efforts to achieve compliance by participating in the SBAP as a mitigating factor in determining the appropriate enforcement response or civil penalty." The description concludes that "The SBAP will act independently of [Ohio's] enforcement program" but will work with the enforcement program to seek consistency in the compliance advice given. Thus, Ohio's provisions on confidentiality are fully consistent with USEPA's revised policy.

### **III. Final Action**

USEPA concludes that Ohio's SBAP submittals fully satisfy the requirements of Section 507 of the CAA. Because USEPA considers the action noncontroversial and routine, USEPA is taking final action to approve these submittals without prior proposal. This action will become effective on October 16, 1995, unless notice is received by September 14, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

USEPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because USEPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected. In addition, the statutory and regulatory requirements at issue in this action were in effect prior to January 1, 1996, and are thus not

subject to the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small business assistance program.

Dated: July 28, 1995.

**William E. Munro,**  
*Acting Regional Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### Subpart KK—[Amended]

2. Section 52.1889 is added to read as follows:

##### § 52.1889 Small business stationary source technical and environmental compliance assistance program.

The Ohio program, submitted as a requested revision to the Ohio State Implementation Plan on May 17, 1994, and May 4, 1995, satisfies the requirements of section 507 of the Clean Air Act.

[FR Doc. 95–20019 Filed 8–14–95; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Part 70

[OH001; FRL–5276–9]

#### Clean Air Act Final Full Approval of Operating Permits Program; Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final full approval.

**SUMMARY:** The EPA is fully approving the operating permits program

submitted by the State of Ohio for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** October 1, 1995.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Steven Pak, EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1497.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

Title V of the Clean Air Act (“the Act”) and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On April 13, 1995, EPA proposed full approval of the operating permits program for the State of Ohio. See 60 FR 18790. EPA received comments from two organizations on the proposal and is responding to the comments below. EPA has also compiled a Technical Support Document responding to the comments. In this notice, EPA is taking final action to promulgate full approval of the operating permits program for the State of Ohio.

##### II. Final Action and Implications

###### A. Analysis of State Submission

On April 13, 1995, EPA proposed full approval of the operating permits program for the State of Ohio. The program elements and issues discussed in the proposal are unchanged since the original analysis in the proposal and the

program continues to fully meet the requirements of part 70.

###### B. Response to Public Comments

EPA received comments from two organizations: Porter, Wright, Morris & Arthur, submitted on behalf of the Ohio Chamber of Commerce, the Ohio Chemical Council, and the Printing Industry of Ohio; and Wright-Patterson Air Force Base in Ohio. Porter, Wright, Morris & Arthur supports EPA's proposed full approval. Wright-Patterson Air Force Base included a list of nine comments on the Ohio operating permits program. Responses to these nine comments follow.

One of the comments questions the approvability of the Ohio operating permits program because the electronic application form currently being developed by the State is “nothing like” the application form that the State submitted with its program. The part 70 requirements with respect to application forms deal with application content and not format. These requirements are found at section 70.5(c) and are fully satisfied by the State's regulations. This comment does not alter EPA's approval of the Ohio program because the commentor did not provide any information to indicate that the electronic version of the application form is inconsistent with section 70.5(c), and because the electronic application form to which the commentor refers has not been submitted to EPA for approval and is not an element of this approval.

Five of the comments can be categorized as inquiries and concerns with program implementation. These comments do not deal with program approval requirements under part 70 and do not affect EPA's approval of the Ohio operating permits program. The commentor should approach the State directly with these program implementation questions and concerns.

The remaining three comments express dissatisfaction with the scope of specific provisions in the State's program and could be considered requests for EPA to broaden the scope of the State's program; however, the provisions that the commentor references currently comply with the requirements of part 70. In addition, EPA's role in the approval process is to review and approve or disapprove operating permits programs submitted by States and not to make revisions to those programs. In any case, the commentor should contact the State with requests for program revisions.



**C. Final Action**

EPA is promulgating full approval of the operating permits program submitted to EPA by the State of Ohio on July 22, 1994, and amended on September 12, 1994; November 21, 1994; December 9, 1994; and January 5, 1995. Among other things, the State of Ohio has demonstrated that the program meets the minimum elements of a State operating permits program as specified in 40 CFR Part 70.

The scope of the State's operating permits program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of Ohio.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a State program for delegation of section 112 standards as promulgated by EPA, as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also promulgating full approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

**III. Administrative Requirements****A. Docket**

Copies of the State's submittal and other information relied upon for the final full approval, including the two public comments received and reviewed by EPA on the proposal, are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final full approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

**B. Executive Order 12866**

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

**C. Regulatory Flexibility Act**

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a

significant impact on a substantial number of small entities.

**D. Unfunded Mandates Act**

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

**List of Subjects in 40 CFR Part 70**

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: July 28, 1995.

**William E. Muno,**  
*Acting Regional Administrator.*

40 CFR Part 70 is amended as follows:

**PART 70—[AMENDED]**

1. The authority section for part 70 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for Ohio in alphabetical order to read as follows:

**Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs**

\* \* \* \* \*

**Ohio.**

(a) The Ohio Environmental Protection Agency submitted on July 22,

1994; September 12, 1994; November 21, 1994; December 9, 1994; and January 5, 1995; full approval effective on October 1, 1995.

(b) Reserved

\* \* \* \* \*

[FR Doc. 95-20169 Filed 8-14-95; 8:45 am]

**BILLING CODE 6565-50-P**

**40 CFR Part 271**

[FRL-5276-6]

**South Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** South Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). South Carolina's revisions consist of certain provisions promulgated between July 1, 1984-June 30, 1991, found in Non-HSWA Cluster I through RCRA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed South Carolina's applications and has made a decision, subject to public review and comment, that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve South Carolina's hazardous waste program revisions. South Carolina's applications for program revisions are available for public review and comment.

**DATES:** Final authorization for South Carolina's program revisions shall be effective October 16, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on South Carolina's program revision applications must be received by the close of business, September 14, 1995.

**ADDRESSES:** Copies of South Carolina's program revision applications are available during normal business hours at the following addresses for inspection and copying: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; U.S. EPA Region 4, Library, 345 Courtland Street, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Al Hanke, Chief, State Programs Section, Waste Management Division, U.S. EPA Region 4, 345 Courtland Street, Atlanta, Georgia 30365; (404) 347-2234.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes

occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-268 and 124 and 270.

**B. South Carolina**

South Carolina initially received final authorization for its base RCRA program effective on November 22, 1985. South Carolina has received authorization for revisions to its program on September 13, 1987, and April 12, 1993. South Carolina most recently received authorization effective January 30, 1995, (59 FR 60910, November 29, 1994). On August 5, 1994, South Carolina submitted a program revision application for additional program approval which addressed concerns with a previous submission. Today, South Carolina is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed South Carolina's application and has made an immediate final decision that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to South Carolina. The public may submit written comments on EPA's immediate final decision up until September 14, 1995.

Copies of South Carolina's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of South Carolina's program revisions shall become effective October 16, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

South Carolina is today seeking authority to administer the following Federal requirements promulgated between July 1, 1984, and June 30, 1991.

| Federal requirement                                         | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------|-------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 11—Corrections to Test Methods Manual .....       | 49 FR 47390 ..... | 12/4/84      | SCHWMA § 44-56-30.<br>SCHWMA § 44-56-50.<br>R.61-79.260.<br>260.11(a).<br>260.21.<br>260.6(a).                                                                                                                                                                                                                                                                                                                       |
| CHECKLIST 14—Dioxin Waste Listing and Management Standards. | 50 FR 1978 .....  | 1/14/85      | SCHWMA § 44-56-20(6).<br>§ 44-56-30.<br>§ 44-56-60.<br>R.61-79.261.<br>261.5(e)(1)-(e)(2).<br>261.7(b)(1).<br>261.7(b)(3).<br>261.30(d).<br>261.31.<br>261.33(f).<br>Table 1.<br>Appendix VII.<br>Appendix VIII.<br>Appendix X.<br>R.61-79.264.<br>264.175(c).<br>264.175(d).<br>264.231(a).<br>264.231(b).<br>264.259(a).<br>264.259(b).<br>264.283(a).<br>264.283(b).<br>264.317(a).<br>264.317(b).<br>264.343(a). |

| Federal requirement                                                                      | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 16—Paint Filter Test .....                                                     | 50 FR 18370 ..... | 04/30/85     | R.61–79.265.<br>265.1(d)(1).<br>265.352(a)–(b).<br>265.383(a)–(b).<br>R.61–79.270.<br>270.14(b)(7).<br>270.16(a).<br>270.17(i).<br>270.18(i).<br>270.20(i).<br>270.21(i).<br>SCHWMA § 44–56–30.<br>§ 44–56–70.<br>R.61–79.264.<br>264.13(b)(6).<br>264.73(b)(3).<br>264.314(c).<br>R.61–79.265.<br>265.13(b)(6).<br>265.73(b)(3).<br>265.314(d). |
| CHECKLIST 17C—Household Waste .....                                                      | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.4(b)(1).                                                                                                                                                                                                                                                                                               |
| CHECKLIST 17D—Waste Minimization .....                                                   | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>§ 44–56–70.<br>§ 44–56–170.<br>R.61–79.262.<br>262.41(a)(8)–(a)(10).<br>R.61–79.264.<br>264.70.<br>264.73(b)(9).<br>R.61–79.270.<br>270.30(i)(2).<br>270.70(a).<br>270.70(c).                                                                                                                                              |
| CHECKLIST 17E—Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves. | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>§ 44–56–60(a–c).<br>§ 44–56–120.<br>R.61–79.264.<br>264.18(c).<br>R.61–79.265.<br>265.18.                                                                                                                                                                                                                                  |
| CHECKLIST 17F—Liquids in Landfills .....                                                 | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.264.<br>264.314.<br>264.314(a)–(b),(e).<br>264.314(e)(1)–(e)(2).<br>R.61–79.265.<br>265.314.<br>265.314(a)–(b).<br>265.314(f).<br>265.314(f)(1)–(f)(2).<br>270.21(h).                                                                                                                                              |
| CHECKLIST 17G—Dust Suppression .....                                                     | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.266.<br>266.23.<br>266.23(b).                                                                                                                                                                                                                                                                                      |
| CHECKLIST 17H—Double Liners .....                                                        | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.264.<br>264.221(a).<br>264.221(b).<br>264.221(c)–(e).<br>264.301(a).<br>264.301(c)–(e).<br>R.61–79.265.<br>265.221(a)–(h).<br>265.254.<br>265.301(a)–(e).                                                                                                                                                          |
| CHECKLIST 17I—Groundwater Monitoring .....                                               | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>§ 44–56–80(A).<br>§ 44–56–90(3).<br>R.61–79.264.                                                                                                                                                                                                                                                                           |

| Federal requirement                                                                      | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------|-------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 17J—Cement Kilns .....                                                         | 50 FR 28702 ..... | 7/15/85      | 264.90(b).<br>264.222.<br>264.226(b)(3).<br>264.228(b)(2).<br>264.228(d).<br>264.252.<br>264.253.<br>264.254(b)(2).<br>264.302.<br>264.303(b)(2).<br>264.310(b)(2)(ii).<br>264.310(c).<br>SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.6(a)(2).<br>261.33.<br>R.61–79.266.<br>266.31(b)(1).                         |
| CHECKLIST 17K—Fuel Labeling .....                                                        | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.266.<br>266.34.                                                                                                                                                                                                                                                                    |
| CHECKLIST 17M—Pre-construction Ban .....                                                 | 50 FR 28702 ..... | 7/15/85      | SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                                               |
| CHECKLIST 17N—Permit Life .....                                                          | 50 FR 28702 ..... | 7/15/85      | 270.10(f)(1)–(f)(2).<br>SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                       |
| CHECKLIST 17O—Omnibus Provision .....                                                    | 50 FR 28702 ..... | 7/15/85      | 270.41(a)(6).<br>270.50(a).<br>SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                |
| CHECKLIST 17P—Interim Status .....                                                       | 50 FR 28702 ..... | 7/15/85      | 270.32(b).<br>SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                                 |
| CHECKLIST 17Q—Research and Development Permits .....                                     | 50 FR 28702 ..... | 7/15/85      | 270.10(a).<br>270.10(c).<br>270.10(e)(1).<br>270.10(e)(4).<br>270.30(j)(2).<br>270.70(a).<br>270.70(c).<br>270.73(c)(1)–(c)(2).<br>270.73(d)–(f).<br>SCHWMA § 44–56–30<br>R.61–79.270.                                                                                                                           |
| CHECKLIST 17S—Exposure Information .....                                                 | 50 FR 28702 ..... | 7/15/85      | 270.10(a).<br>270.65.<br>SCHWMA § 44–56–20(9).<br>§ 44–56–30.<br>§ 44–56–60(a&b).<br>R.61–79.270.                                                                                                                                                                                                                |
| CHECKLIST 18—Listing of TDI, DNT, and TDA .....                                          | 50 FR 42936 ..... | 10/23/85     | 270.10(c).<br>270.10(j).<br>SCHWMA § 44–56–30(c)(2).<br>R.61–79.261.<br>261.32.<br>261.33(f).                                                                                                                                                                                                                    |
| CHECKLIST 19—Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces. | 50 FR 49164 ..... | 11/29/85     | Appendix III.<br>Appendix VII.<br>Appendix VIII.<br>SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.3(c)(2)(ii)(B).<br>261.5(b).<br>261.6(a)(2)(iii).<br>261.6(a)(3)(vii).<br>261.6(a)(3)(viii).<br>261.6(a)(3)(ix).<br>R.61–79.264.<br>264.340(a)(2).<br>R.61–79.265.<br>265.340(a)(2).<br>R.61–79.266.<br>266.30(a). |

| Federal requirement                                          | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------|-------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                              |                   |              | 266.30(b)(1)–(b)(2).<br>266.31(a)–(c).<br>266.32(a)–(c).<br>266.33.<br>266.34(a)–(f).<br>266.35(a)–(e).<br>266.40(a)–(e).<br>266.41(a)–(b).<br>266.42.<br>266.43(a).<br>266.43(b)(1)–(b)(6).<br>266.44(a)–(e).                                                                                                                                                                                                                                                                           |
| CHECKLIST 20—Listing of Spent Solvents .....                 | 50 FR 53315 ..... | 12/31/85     | SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.31.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| CHECKLIST 21—Listing of EDB Waste .....                      | 51 FR 5327 .....  | 2/13/86      | SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.31.<br>261.32.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CHECKLIST 22—Listing of Four Spent Solvents .....            | 51 FR 6537 .....  | 2/25/86      | Appendix III.<br>Appendix VII.<br>SCHWMA § 44–56–30.<br>R.61–79.261.<br>261.31.<br>261.33(f).                                                                                                                                                                                                                                                                                                                                                                                            |
| CHECKLIST 23—Generators of 100 to 1000kg Hazardous Waste.    | 51 FR 10146 ..... | 3/24/86      | Appendix III.<br>Appendix VII.<br>Appendix VIII.<br>SCHWMA § 44–56–20 (5, 6, & 8).<br>§ 44–56–310.<br>§ 44–56–30.<br>§ 44–56–60(a).<br>§ 44–56–70.<br>§ 44–56–170.<br>R.61–79.261.10.<br>261.1(a)(1).<br>261.5(a)–(k).<br>261.33(f).<br>R.61–79.262.10.<br>262.20(e).<br>262.34(a).<br>262.34(d)–(f).<br>262.44.<br>263.20(h).<br>270.1(c)(2)(i).<br>270.10(e)(1)(iii)                                                                                                                   |
| CHECKLIST 24—Financial Responsibility; Settlement Agreement. | 51 FR 16422 ..... | 5/2/86       | SCHWMA § 44–56–30.<br>§ 44–56–60(c)(2).<br>R.61–79–260.<br>260.10.<br>R.61–79–264.<br>264.110(a)–(b).<br>264.111(a)–(b).<br>264.112(a)–(b).<br>264.112(b)(1)–(b)(7).<br>264.112(c).<br>264.112(e).<br>264.113(a)–(c).<br>264.114.<br>264.115.<br>264.116.<br>264.117(a)(1)–(a)(2).<br>264.117(b)–(d).<br>264.118(a)–(d).<br>264.119(a)–(c).<br>264.120.<br>264.141(f).<br>264.142(a)–(c).<br>264.143(a)(10).<br>264.143(b)(4)(ii).<br>264.143(c)(5).<br>264.143(d)(8).<br>264.143(e)(5). |

| Federal requirement | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|-------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                   |              | 264.143(f)(1)(i)(B).<br>264.143(f)(1)(i)(D).<br>264.143(f)(1)(ii)(B).<br>264.143(f)(1)(ii)(D).<br>264.143(f)(2).<br>264.143(i).<br>264.144(a)–(c).<br>264.145.<br>264.145(a)(11).<br>264.145(b)(4)(ii).<br>264.145(c)(5).<br>264.145(d)(9).<br>264.145(f)(1)(i)(B).<br>264.145(f)(1)(i)(D).<br>264.145(f)(1)(ii)(B).<br>264.145(f)(1)(ii)(D).<br>264.145(f)(2).<br>264.145(i).<br>264.147(e).<br>264.151(b)–(c).<br>264.151(g)–(h).<br>R.61–79–265.<br>265.110(a)–(b).<br>265.111(a)–(c).<br>265.112(a)–(b).<br>265.112(b)(1)–(b)(7).<br>265.112(c).<br>265.112(d)(1).<br>265.112(d)(2)(i).<br>265.112(d)(1).<br>265.112(d)(2)(i).<br>265.112(d)(3)–(d)(4).<br>265.112(e).<br>265.113(a)–(c).<br>265.114.<br>265.115.<br>265.116.<br>265.117(a)(1)–(a)(2).<br>265.117(b)–(d).<br>265.118(a)–(g).<br>265.119(a)–(c).<br>265.120.<br>265.140(a).<br>265.141(f).<br>265.142(a)–(c).<br>265.143(a)(10).<br>265.143(b)(4)(ii).<br>265.143(c)(8).<br>265.143(d)(5).<br>265.143(e)(1)(i)(B).<br>265.143(e)(1)(i)(D).<br>265.143(e)(1)(ii)(B).<br>265.143(e)(1)(ii)(D).<br>265.143(e)(2).<br>265.143(h).<br>265.144(a)–(c).<br>265.145.<br>265.145(a)(11).<br>265.145(b)(4)(ii).<br>265.145(c)(9).<br>265.145(d)(5).<br>265.145(e)(1)(i)(B).<br>265.145(e)(1)(i)(D).<br>265.145(e)(1)(ii)(B).<br>265.145(e)(1)(ii)(D).<br>265.145(e)(2).<br>265.145(h).<br>265.147(e).<br>R.61–79.270.<br>270.14(b)(14)–(b)(16).<br>270.42(d). |

| Federal requirement                                                                                 | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 27—Liability Coverage—Corporate Guarantee .....                                           | 51 FR 25350 ..... | 7/11/86      | 270.72(d).<br>SCHWMA § 44–56–30.<br>R.61–79.264.<br>264.147(a)(2).<br>264.147(a)(6).<br>264.147(b)(2).<br>264.147(b)(6).<br>264.147(g).<br>264.147(g)(1).<br>264.147(g)(1)(i).<br>264.147(g)(1)(ii).<br>264.147(g)(2).<br>264.151(g)(2)–(h)(2).<br>R.61–79.265.<br>265.147(a)(2).<br>265.147(a)(6).<br>265.147(b)(2).<br>265.147(b)(6).<br>265.147(g).<br>265.147(g)(1).<br>265.147(g)(1)(i).<br>265.147(g)(1)(ii).<br>265.147(g)(2).                                                                  |
| CHECKLIST 29—Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents. | 51 FR 28296 ..... | 8/6/86       | SCHWMA § 44–56–20(6).<br>R.61–79.261.<br>261.33(e)–(f).<br>Appendix VIII.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| CHECKLIST 30—Biennial Report, Correction .....                                                      | 51 FR 28556 ..... | 8/8/86       | SCHWMA § 44–56–30.<br>§ 44–56–70.<br>§ 44–56–80.<br>R.61–79.264.<br>264.75(a)(11).<br>264.77(d).<br>264.77(e).<br>R.61–79.265.<br>265.77(e).<br>265.77(f).<br>265.77(a)(12).                                                                                                                                                                                                                                                                                                                           |
| CHECKLIST 31—Exports of Hazardous Waste .....                                                       | 51 FR 28664 ..... | 8/8/86       | SCHWMA § 44–56–20(8 & 11).<br>§ 44–56–30.<br>§ 44–56–70.<br>R.61–79.261.<br>261.5(f)(3).<br>261.5(g)(3).<br>261.6(a)(3)(i).<br>R.61–79.262.<br>262.41(a).<br>262.41(a)(3)–(5).<br>262.41(b).<br>262.50.<br>262.51.<br>262.52(a)–(d).<br>262.53(a)–(f).<br>262.54(a)–(i).<br>262.55(a)–(c).<br>262.56(a)–(b).<br>262.57(a)(1).<br>262.57(b).<br>262.58.<br>262.60(a)–(c).<br>262.70.<br>Appendix.<br>R.61–79.263.<br>263.20(a).<br>263.20(c).<br>263.20(e)(2).<br>263.20(f)(2).<br>263.20(g)(3)–(g)(4). |
| CHECKLIST 32—Standards for Generators Waste Minimization Certifications.                            | 51 FR 35190 ..... | 10/1/86      | SCHWMA § 44–56–30.<br>§ 44–56–70.<br>§ 44–56–170.<br>Appendix.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Federal requirement                                                                 | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------|-------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 33—Listing of EBDC .....                                                  | 51 FR 37725 ..... | 10/24/86     | SCHWMA § 44–56–20(6).<br>R.61–79.261.<br>261.32.<br>Appendix III.<br>Appendix VII.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| CHECKLIST 35—Revised Manual SW–846 Amended Incorporation by Reference.              | 52 FR 8072 .....  | 3/16/87      | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.260.<br>260.11(a).<br>R.61–79.270.<br>270.6(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| CHECKLIST 36—Closure/Post-Closure Care for Interim Status Surface Impoundments.     | 52 FR 8704 .....  | 3/19/87      | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–60(c)(2).<br>R.61–79.265.<br>265.228(a).<br>265.228(a)(1)–(a)(2).<br>265.228(a)(2)(i).<br>265.228(a)(2)(ii).<br>265.228(a)(2)(iii)(A–E).<br>265.228(b).<br>265.228(b)(1)–(b)(3).                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| CHECKLIST 37—Definition of Solid Waste; Technical Corrections.                      | 52 FR 21306 ..... | 6/5/87       | SCHWMA § 44–56–20(6).<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–40.<br>R.61–79.261.<br>261.33.<br>R.61–79.266.<br>266.20(a)(2)–(a)(3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| CHECKLIST 38—Amendments to Part B Information Requirements for Disposal Facilities. | 52 FR 23447 ..... | 6/22/87      | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–80.<br>SCHWMA § 44–56–90.<br>R.61–79.270.<br>270.14(c)(7).<br>270.14(c)(8)(V).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| CHECKLIST 39—California List Waste Restrictions .....                               | 52 FR 25760 ..... | 7/8/87       | SCHWMA § 44–56–30.<br>R.61–79.260.<br>260.11(a).<br>R.61–79.262.<br>262.70.<br>R.61–79.264.<br>264.13(b)(7)(iii).<br>R.61–79.268.<br>268.1(e)(1).<br>268.2(a).<br>268.2(d).<br>268.2(f).<br>268.3(a).<br>268.4(a)(2).<br>268.4(b).<br>268.7(a).<br>268.7(a)(1).<br>268.7(a)(1)(ii).<br>268.7(a)(2).<br>268.7(a)(2)(i)(B).<br>268.7(b)(2).<br>268.7(b)(4)(ii).<br>268.7(b)(5).<br>268.7(b)(5)(i).<br>268.7(c).<br>268.30(a)(4).<br>268.32(a).<br>268.32(a)(1)–(a)(3).<br>268.32(d)(2).<br>268.32(e).<br>268.32(e)(1)–(e)(2).<br>268.32(f).<br>268.32(g).<br>268.32(g)(1)–(g)(3).<br>268.32(h)–(j).<br>268.32(j)(1)–(j)(2).<br>268.40(a)–(b).<br>268.42(a)(1)–(a)(2).<br>268.50(a). |



| Federal requirement                                                                                   | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|-------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 40—List (Phase 1) of Hazardous Constituents for Ground-water Monitoring.                    | 52 FR 25942 ..... | 7/9/87       | 268.50(e)–(f).<br>Appendix III.<br>R.61–79.270.<br>270.42.<br>270.72(b).<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.264.<br>264.99(f).<br>Appendix IX.<br>R.61–79.270.                                                                                                                                                                                              |
| CHECKLIST 41—Identification and Listing of Hazardous Waste.                                           | 52 FR 26012 ..... | 7/10/87      | 270.14(c)(4)(ii).<br>SCHWMA § 44–56–20(6).<br>R.61–79.261.                                                                                                                                                                                                                                                                                                                      |
| CHECKLIST 42—Exception Reporting for Small Quantity Generators of Hazardous Waste.                    | 52 FR 35894 ..... | 9/23/87      | 261.33(c).<br>SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.262.                                                                                                                                                                                                                                                                                                  |
| CHECKLIST 43—Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee.              | 52 FR 44314 ..... | 11/18/87     | 262.42(a)(1)–(a)(2).<br>262.42(b).<br>262.44.<br>262.44(a)–(d).<br>SCHWMA § 44–56–30.<br>§ 44–56–50.<br>R.61–79.264.                                                                                                                                                                                                                                                            |
| CHECKLIST 44A—HSWA Codification Rule 2 Permit Application Requirements Regarding Corrective Action.   | 52 FR 45788 ..... | 12/1/87      | 264.147(g)(2)(i).<br>264.147(g)(2)(ii).<br>264.151(h)(2).<br>R.61–79.265.<br>265.147(g)(2)(i).<br>265.147(g)(2)(ii).                                                                                                                                                                                                                                                            |
| CHECKLIST 44B—HSWA Codification Rule 2 Corrective Action Beyond the Facility Boundary.                | 52 FR 45788 ..... | 12/1/87      | SCHWMA § 44–56–30.<br>§ 44–56–60.<br>§ 44–56–80.<br>R.61–79.270.<br>270.14(c)–(d).<br>270.14(d)(1)(i–v).<br>270.14(d)(2)–(d)(3).                                                                                                                                                                                                                                                |
| CHECKLIST 44E—HSWA Codification Rule 2 Permit as a Shield Provision.                                  | 52 FR 45788 ..... | 12/1/87      | SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                                                                                                              |
| CHECKLIST 44F—HSWA Codification Rule 2 Permit Conditions to Protect Human Health and the Environment. | 52 FR 45788 ..... | 12/1/87      | 270.4(a).<br>SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                                                                                                 |
| CHECKLIST 44G—HSWA Codification Rule 2 Post Closure Permits.                                          | 52 FR 45788 ..... | 12/1/87      | 270.10(k).<br>SCHWMA § 44–56–30.<br>R.61–79.270.                                                                                                                                                                                                                                                                                                                                |
| CHECKLIST 45—Hazardous Waste Miscellaneous Units .....                                                | 52 FR 46946 ..... | 12/10/87     | 270.1(c).<br>270.1(c)(5).<br>270.1(c)(5)(i).<br>270.1(c)(5)(ii).<br>270.1(c)(5)(ii)(A).<br>270.1(c)(5)(ii)(B).<br>270.1(c)(6)(i).<br>270.1(c)(6)(ii).<br>270.1(c)(6)(iii).<br>SCHWMA § 44–56–30.<br>R.61–79.144.<br>R.61–79.144.31(a).<br>R.61–87.11.D.2.<br>R.61–79.260.10.<br>260.10.<br>R.61–79.264.10.<br>264.10(b).<br>264.15(b)(4).<br>264.18(b)(1)(ii).<br>264.73(b)(6). |

| Federal requirement                                                                                               | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                   |                   |              | 264.90(d).<br>264.111(c).<br>264.112(a)(2).<br>264.114.<br>264.117(a)(1)(i).<br>264.117(a)(1)(ii).<br>264.118(b)(1).<br>264.118(b)(2)(i).<br>264.118(b)(2)(ii).<br>264.142(a).<br>264.144(a).<br>264.147(b).<br>264.600.<br>264.601.<br>264.601(a).<br>264.601(a)(1)–(a)(9).<br>264.601(b).<br>264.601(b)(1)–(b)(11).<br>264.601(c).<br>264.601(c)(1)–(c)(7).<br>264.602.<br>264.603.<br>R.61–79.270.<br>270.14(b)(5).<br>270.14(b)(13).<br>270.23.<br>270.23(a).<br>270.23(a)(1)–(a)(3).<br>270.23(b)–(e).                                                                                                                                                                                                        |
| CHECKLIST 46—Technical Corrections; Identification and Listing of Hazardous Waste.                                | 53 FR 13382 ..... | 4/22/88      | SCHWMA § 44–56–20(6).<br>R.61–79.261.<br>261.33(e)–(f).<br>Appendix VIII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CHECKLIST 49—Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption.                | 53 FR 27290 ..... | 7/19/88      | SCHWMA § 44–56–30.<br>R.61–79.260.10.<br>R.61–79.261.<br>261.4(e)(1).<br>261.4(e)(1)(i).<br>261.4(e)(1)(ii).<br>261.4(e)(1)(iii).<br>261.4(e)(2).<br>261.4(e)(2)(i).<br>261.4(e)(2)(ii).<br>261.4(e)(2)(iii).<br>261.4(e)(2)(iii)(A).<br>261.4(e)(2)(iii)(B)(1–5).<br>261.4(e)(2)(iv).<br>261.4(e)(2)(i).<br>261.4(e)(2)(v).<br>261.4(e)(2)(v)(A)–(C).<br>261.4(e)(2)(vi).<br>261.4(e)(3).<br>261.4(e)(3)(i).<br>261.4(e)(3)(ii).<br>261.4(e)(3)(iii).<br>261.4(e)(3)(iv).<br>261.4(e)(3)(v).<br>261.4(f).<br>261.4(f)(1)–(f)(4).<br>261.4(f)(4)(i).<br>261.4(f)(4)(ii).<br>261.4(f)(5)–(f)(7).<br>261.4(f)(7)(i)(vii).<br>261.4(f)(8).<br>261.4(f)(9).<br>261.4(f)(9)(i)–(vii).<br>261.4(f)(10).<br>261.4(f)(11). |
| CHECKLIST 52—Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems. | 53 FR 34079 ..... | 9/2/88       | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.260.10.<br>R.61–79.264.<br>264.114.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Federal requirement                                                                                                         | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                             |                   |              | 264.190(a)–(b).<br>264.193(f)(3).<br>264.196.<br>R.61–79.265.<br>265.110(b)(2).<br>265.114.<br>265.190(a)–(b).<br>265.193(f)(3).<br>265.193(g)(3)(iii).<br>265.196.<br>265.201(c)(3).<br>R.61–79.270.2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| CHECKLIST 53—Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification.       | 53 FR 35412 ..... | 9/13/88      | SCHWMA § 44–56–30.<br>R.61–79.261.32.<br>Appendix VII.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CHECKLIST 55—Statistical Methods for Evaluating Ground-water Monitoring Data from Hazardous Waste Facilities.               | 53 FR 39720 ..... | 10/11/88     | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.264.<br>264.91(a)(1)–(a)(2).<br>264.92.<br>264.97(a)(1).<br>264.97(a)(1)(i).<br>264.97(a)(1)(i)(A).<br>264.97(a)(1)(i)(B).<br>264.97(a)(3).<br>264.97(g).<br>264.97(g)(1)–(g)(3).<br>264.97(h).<br>264.97(h)(1)–(h)(5).<br>264.97(i).<br>264.97(i)(1)–(i)(6).<br>264.97(j).<br>264.98(c)–(d).<br>264.98(f).<br>264.98(f)(1)–(f)(2).<br>264.98(g).<br>264.98(g)(1)–(g)(4).<br>264.98(g)(4)(i).<br>264.98(g)(4)(ii).<br>264.98(g)(4)(iii).<br>264.98(g)(4)(iv).<br>264.98(g)(5).<br>264.98(g)(5)(i).<br>264.98(g)(5)(ii).<br>264.98(g)(5)(ii)(A).<br>264.98(g)(5)(ii)(B).<br>264.98(g)(6).<br>264.98(g)(6)(i).<br>264.98(g)(6)(ii).<br>264.98(g)(6)(iii).<br>264.98(g)(6)(iv).<br>264.98(h)–(k).<br>264.99(c).<br>264.99(c)(1)–(c)(2).<br>264.99(d).<br>264.99(d)(1)–(d)(2).<br>264.99(f)–(l). |
| CHECKLIST 56—Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes.      | 53 FR 43878 ..... | 10/31/88     | SCHWMA § 44–56–30.<br>R.61–71.261.<br>261.33(f).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CHECKLIST 57—Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes. | 53 FR 43881 ..... | 10/31/88     | Appendix VIII.<br>SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.33(f).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| CHECKLIST 58—Standards for Generators of Hazardous Waste.                                                                   | 53 FR 45089 ..... | 11/8/88      | Appendix VIII.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.262.<br>262.20(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Federal requirement                                                                                                               | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 59—Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators.                                   | 54 FR 615–617 ..  | 1/9/89       | SCHWMA § 44–56–30.<br>R.61–79.270<br>270.14(b)(5).<br>270.14(b)(13).                                                                                                                                                                                                                                                                                                                                                                                                   |
| CHECKLIST 60—Amendment to Requirements for Hazardous Waste Incinerator Permits.                                                   | 54 FR 4286 .....  | 1/30/89      | SCHWMA § 44–56–30.<br>270.62(d).                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| CHECKLIST 61—Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting. | 54 FR 9596 .....  | 3/7/89       | SCHWMA § 44–56–30.<br>R.61–79.124.<br>124.1(a).<br>124.15(a)–(b).<br>124.19(a).<br>R.61–79.270.<br>270.1(c).<br>270.10(c).<br>270.29.<br>270.42.<br>Appendix I.<br>270.72(a).<br>270.72(a)(2).<br>270.72(a)(2)(i).<br>270.72(a)(2)(ii).<br>270.72(a)(3).<br>270.72(a)(3)(i).<br>270.72(a)(3)(ii).<br>270.72(a)(4)–(a)(5).<br>270.72(b).<br>270.72(b)(1)–(b)(6).<br>270.72(c)–(e).<br>270.73(e)–(g).                                                                    |
| CHECKLIST 64—Delay of Closure Period for Hazardous Waste Management Facilities.                                                   | 54 FR 33376 ..... | 8/14/89      | SCHWMA § 44–56–30.<br>R.61–79.264.<br>264.113(a)(1).<br>264.113(a)(3)(i).<br>264.113(b)(1).<br>264.112(d)(2).<br>264.112(d)(2)(i).<br>264.112(d)(2)(ii).<br>264.113(a).<br>264.113(a)(1)(ii)(A).<br>264.113(b).<br>264.113(b)(1)(ii)(A).<br>264.113(c).<br>264.113(c)(1)–(c)(2).<br>264.113(d).<br>264.113(d)(1).<br>264.113(d)(1)(i).<br>264.113(d)(1)(ii).<br>264.113(d)(1)(iii).<br>264.113(d)(1)(iv).<br>264.113(d)(1)(v).<br>264.113(d)(2)–(d)(4).<br>264.113(e). |

| Federal requirement                                  | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------|-------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      |                   |              | 264.113(e)(1).<br>264.113(e)(1)(i).<br>264.113(e)(1)(ii).<br>264.113(e)(2)–(e)(4).<br>264.113(e)(4)(i).<br>264.113(e)(4)(ii).<br>264.113(e)(4)(iii).<br>264.113(e)(5)–(e)(7).<br>264.113(e)(7)(i).<br>264.113(e)(7)(ii).<br>264.113(e)(7)(iii).<br>264.113(e)(7)(iv).<br>264.113(e)(7)(v).<br>264.142(a)(3).<br>264.142(a)(4).<br>R.61–79.265.<br>265.113(a)(1).<br>265.113(a)(3)(i).<br>265.113(b)(1).<br>265.112(d)(2).<br>265.112(d)(2)(i).<br>265.112(d)(2)(ii).<br>265.113(a).<br>265.113(a)(1)(ii)(A).<br>265.113(b).<br>265.113(b)(1)(ii)(A).<br>265.113(c).<br>265.113(c)(1)–(c)(2).<br>265.113(d).<br>265.113(d)(1).<br>265.113(d)(1)(i).<br>265.113(d)(1)(ii).<br>265.113(d)(1)(iii).<br>265.113(d)(1)(iv).<br>265.113(d)(1)(v).<br>265.113(d)(2).<br>265.113(d)(3).<br>265.113(d)(4).<br>265.113(e).<br>265.113(e)(1).<br>265.113(e)(1)(i).<br>265.113(e)(1)(ii).<br>265.113(e)(2)–(e)(4).<br>265.113(e)(4)(i).<br>265.113(e)(4)(ii).<br>265.113(e)(4)(iii).<br>265.113(e)(5)–(e)(7).<br>265.113(e)(7)(i).<br>265.113(e)(7)(ii).<br>265.113(e)(7)(iii).<br>265.113(e)(7)(iv).<br>265.113(e)(7)(v).<br>265.142(a)(3)–(a)(4).<br>270.42, Appendix I. |
| CHECKLIST 65—Mining Waste Exclusion I .....          | 54 FR 36592 ..... | 9/1/89       | SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.3(a)(2)(i).<br>261.3(a)(2)(iii).<br>261.4(b)(7).<br>261.4(b)(7)(i)–(xx).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| CHECKLIST 67—Testing and Monitoring Activities ..... | 54 FR 40260 ..... | 9/29/89      | SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.260.<br>260.11(a).<br>Appendix III.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Federal requirement                                                           | HSWA or FR notice                                                               | Promulgation                           | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 68—Reportable Quantity Adjustment Methyl Bromide Production Wastes. | 54 FR 41402 .....                                                               | 10/6/89                                | SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.32.<br>Appendix III.<br>Appendix VII.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CHECKLIST 69—Reportable Quantity Adjustment .....                             | 54 FR 50968 .....                                                               | 12/11/89                               | SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.31.<br>Appendix VII.<br>Appendix VIII.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| CHECKLIST 70—Changes to Part 124 Not Accounted For By Present Checklists.     | 48 FR 14146. ....<br>53 FR 28118 .....<br>53 FR 37396 .....<br>53 FR 246–258 .. | 4/1/83<br>7/26/88<br>9/26/88<br>1/4/88 | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–40.<br>SCHWMA § 44–56–50.<br>R.61–79.124.<br>124.3(a).<br>124.3(a)(1)–(a)(3).<br>124.5(a).<br>124.5(c)(1)&(3).<br>124.5(d).<br>124.6(c)(2)–(5).<br>124.10(c)(1)(iii).<br>124.10(c)(1)(iv).<br>124.10(c)(1)(v).<br>124.12(a)(2).                                                                                                                                                                                                                                                                                                |
| CHECKLIST 71—Mining Waste Exclusion II .....                                  | 55 FR 2322 .....                                                                | 1/23/90                                | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–40.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.10.<br>261.4(b)(7).<br>261.4(b)(7)(i).<br>261.4(b)(7)(ii).<br>261.4(b)(7)(iii).<br>261.4(b)(7)(iv).<br>261.4(b)(7)(v).<br>261.4(b)(7)(vi).<br>261.4(b)(7)(vii).<br>261.4(b)(7)(viii).<br>261.4(b)(7)(ix).<br>261.4(b)(7)(x).<br>261.4(b)(7)(xi).<br>261.4(b)(7)(xii).<br>261.4(b)(7)(xiii).<br>261.4(b)(7)(xiv).<br>261.4(b)(7)(xv).<br>261.4(b)(7)(xvi).<br>261.4(b)(7)(xvii).<br>261.4(b)(7)(xviii).<br>261.4(b)(7)(xix).<br>261.4(b)(7)(xx).<br>R.61–79.262.<br>262.23(e). |
| CHECKLIST 72—Modification of F019 Listing .....                               | 55 FR 5340 .....                                                                | 2/14/90                                | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–40.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.31.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CHECKLIST 73—Testing and Monitoring Activities; Technical Corrections.        | 55 FR 8948 .....                                                                | 3/9/90                                 | SCHWMA § 44–56–30.<br>R.61–79.260.<br>260.11(a).<br>Appendix III.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| CHECKLIST 75—Listing of 1,1-Dimethylhydrazine Production Wastes.              | 55 FR 18496 .....                                                               | 5/2/90                                 | SCHWMA § 44–56–20.<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.32.<br>Appendix III.<br>Appendix VII.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Federal requirement                                                                | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------|-------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 76—Criteria for Listing Toxic Wastes; Technical Amendment.               | 55 FR 18726 ..... | 5/4/90       | SCHWMA § 44–56–20(6).<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.261.<br>261.11(a)(3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| CHECKLIST 77—HSWA Codification Rule, Double Liners; Correction.                    | 55 FR 19262 ..... | 5/9/90       | SCHWMA § 44–56–30.<br>SCHWMA § 44–56–40.<br>SCHWMA § 44–56–50.<br>SCHWMA § 44–56–60.<br>SCHWMA § 44–56–90.<br>SCHWMA § 44–56–120.<br>R.61–79.264.<br>264.221(c).<br>264.301(c).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| CHECKLIST 79—Organic Air Emission Standards for Process Vents and Equipment Leaks. | 55 FR 25454 ..... | 6/21/90      | SCHWMA § 44–56–20(6).<br>SCHWMA § 44–56–30.<br>SCHWMA § 44–56–50.<br>R.61–79.260.<br>260.11(a).<br>R.61–79.261.<br>261.6(c)(1).<br>261.6(c)(2)(iii).<br>261.6(d).<br>R.61–79.264.<br>264.13(b)(6).<br>264.15(b)(4).<br>264.73(b)(3).<br>264.73(b)(6).<br>264.77(c).<br>264.1030(a)–(b).<br>264.1030(b)(1)–(b)(2).<br>264.1030(c).<br>264.1031.<br>264.1032.<br>264.1032(a).<br>264.1032(a)(1)–(a)(2).<br>264.1032(b)–(d).<br>264.1033(a)(1)–(a)(2).<br>264.1033(b)–(c).<br>264.1033(d)(1)–(d)(3).<br>264.1033(d)(4)(i).<br>264.1033(d)(4)(ii).<br>264.1033(d)(4)(iii).<br>264.1033(d)(5)–(d)(6).<br>264.1033(e)(1)–(e)(5).<br>264.1033(f).<br>264.1033(f)(1)–(f)(2).<br>264.1033(f)(2)(i)–(vi).<br>264.1033(f)(2)(vi)(A).<br>264.1033(f)(2)(vi)(B).<br>264.1033(f)(2)(vii).<br>264.1033(f)(2)(vii)(A).<br>264.1033(f)(2)(vii)(B).<br>264.1033(f)(3).<br>264.1033(g)–(h).<br>264.1033(h)(1)–(h)(2).<br>264.1033(i)–(j).<br>264.1033(k)(1)–(k)(4).<br>264.1033(l).<br>264.1034(a).<br>264.1034(a)(1)–(a)(2).<br>264.1034(b).<br>264.1034(b)(1)–(b)(7).<br>264.1034(c).<br>264.1034(c)(1)–(c)(4).<br>264.1034(d).<br>264.1034(d)(1)–(d)(2).<br>264.1034(e).<br>264.1034(e)(1)–(e)(3).<br>264.1034(f).<br>264.1035(b)(1)–(b)(2).<br>264.1035(b)(2)(i)–(ii).<br>264.1035(b)(3). |

| Federal requirement | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|-------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                   |              | 264.1035(b)(3)(i).<br>264.1035(b)(3)(ii).<br>264.1035(b)(3)(ii)(A)–(E).<br>264.1035(b)(3)(iii).<br>264.1035(b)(4).<br>264.1035(b)(4)(i)–(iii).<br>264.1035(b)(4)(iii)(A)–(G).<br>264.1035(b)(4)(iv)–(vi).<br>264.1035(c).<br>264.1035(c)(1)–(c)(4).<br>264.1035(c)(4)(i)–(iii).<br>264.1035(c)(4)(iii)(A)–(B).<br>264.1035(c)(4)(iv).<br>264.1035(c)(4)(iv)(A–B).<br>264.1035(c)(4)(vi).<br>264.1035(c)(4)(vii).<br>264.1035(c)(4)(vii)(A)–(B).<br>264.1035(c)(4)(viii).<br>264.1035(c)(4)(ix).<br>264.1035(c)(5)–(c)(8).<br>264.1035(d)–(f).<br>264.1036(a).<br>264.1036(a)(1)–(a)(2).<br>264.1036(b).<br>264.1050(a)–(b).<br>264.1050(b)(1)–(b)(2).<br>264.1050(c)–(e).<br>264.1051.<br>264.1052(a)(1)–(a)(2).<br>264.1052(b)(1)–(b)(2).<br>264.1052(c)(1)–(c)(2).<br>264.1052(d).<br>264.1052(d)(1)–(d)(1)(iii).<br>264.1052(d)(2)–(d)(4).<br>264.1052(d)(5)(i)–(ii).<br>264.1052(d)(6)(i)–(iii).<br>264.1052(e).<br>264.1052(e)(1)–(e)(3).<br>264.1052(f)–(g).<br>264.1053(a)–(b).<br>264.1053(b)(1)–(b)(3).<br>264.1053(c)–(d).<br>264.1053(e)(1)–(e)(2).<br>264.1053(f).<br>264.1053(g)(1)–(g)(2).<br>264.1053(h)–(i).<br>264.1053(i)(1)–(i)(2).<br>264.1054(a).<br>264.1054(b)(1)–(b)(2).<br>264.1054(c).<br>264.1055(a)–(b).<br>264.1055(b)(1)–(b)(3).<br>264.1055(c).<br>264.1056(a)(1)–(a)(2).<br>264.1056(b)–(c).<br>264.1057(a)–(b).<br>264.1057(c)(1)–(c)(2).<br>264.1057(d)(1)–(d)(2).<br>264.1057(e).<br>264.1057(e)(1)–(e)(4).<br>264.1057(f).<br>264.1057(f)(1)–(f)(3).<br>264.1057(g).<br>264.1057(g)(1)–(g)(2).<br>264.1057(h).<br>264.1057(h)(1)–(h)(3).<br>264.1058(a)–(b).<br>264.1058(c)(1)–(c)(2).<br>264.1058(d).<br>264.1059(a)–(c).<br>264.1059(c)(1)–(c)(2).<br>264.1059(d).<br>264.1059(d)(1)–(d)(2). |



| Federal requirement | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                   |              | 264.1059(e).<br>264.1060.<br>264.1061(a)–(b).<br>264.1061(b)(1)–(b)(3).<br>264.1061(c).<br>264.1061(c)(1)–(c)(3).<br>264.1061(d).<br>264.1062(a)(1)–(a)(2).<br>264.1062(b)(1)–(b)(4).<br>264.1063(a)–(b).<br>264.1063(b)(1)–(b)(4).<br>264.1063(b)(4)(i)–(ii).<br>264.1063(b)(5).<br>264.1063(c).<br>264.1063(c)(1)–(c)(4).<br>264.1063(d).<br>264.1063(d)(1)–(d)(3).<br>264.1063(e)–(i).<br>264.1064(a)(1)–(a)(2).<br>264.1064(b).<br>264.1064(b)(1).<br>264.1064(b)(1)(i)–(1)(vi).<br>264.1064(b)(2)–(b)(4).<br>264.1064(c).<br>264.1064(c)(1)–(c)(3).<br>264.1064(d).<br>264.1064(d)(1)–(d)(10).<br>264.1064(e)–(g).<br>264.1064(g)(1).<br>264.1064(g)(2)(i)–(ii).<br>264.1064(g)(3).<br>264.1064(g)(4)(i)–(iii).<br>264.1064(g)(5).<br>264.1064(h).<br>264.1064(h)(1)–(h)(2).<br>264.1064(i).<br>264.1064(i)(1)–(i)(2).<br>264.1064(j).<br>264.1064(j)(1)–(j)(2).<br>264.1064(k).<br>264.1064(k)(1)–(k)(3).<br>264.1064(l)–(m).<br>264.1065(a).<br>264.1065(a)(1)–(a)(2).<br>264.1065(a)(2)(i)–(iii).<br>264.1065(a)(3)–(a)(4).<br>264.1065(b).<br>R.61–79.265.<br>265.13(b)(6).<br>265.15(b)(4).<br>265.73(b)(3).<br>265.73(b)(6).<br>265.77(d).<br>265.1030(a)–(b).<br>265.1030(b)(1)–(b)(2).<br>265.1031(a).<br>265.1032(a).<br>265.1032(a)(1)–(a)(2).<br>265.1032(b)–(d).<br>265.1033(a)(1)–(a)(2).<br>265.1033(b)–(c).<br>265.1033(d)(1)–(d)(3).<br>265.1033(d)(4)(i)–(iii).<br>265.1033(d)(5)–(d)(6).<br>265.1033(e)(1)–(e)(2).<br>265.1033(e)(3)–(e)(5).<br>265.1033(f).<br>265.1033(f)(1)–(f)(2).<br>265.1033(f)(2)(i)–(vi).<br>265.1033(f)(2)(vi)(A)–(B).<br>265.1033(f)(2)(vii).<br>265.1033(f)(2)(vii)(A)–(B).<br>265.1033(f)(3). |

| Federal requirement | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                   |              | 265.1033(g)–(h).<br>265.1033(h)(1)–(h)(2).<br>265.1033(i).<br>265.1033(j)(1)–(j)(4).<br>265.1033(k).<br>265.1034(a)–(b).<br>265.1034(b)(1)–(b)(7).<br>265.1034(c).<br>265.1034(c)(1).<br>265.1034(c)(1)(i)–(vi).<br>265.1034(c)(2)–(c)(3).<br>265.1034(c)(3)(i)–(iv).<br>265.1034(c)(4).<br>265.1034(d).<br>265.1034(d)(1).<br>265.1034(d)(1)(i)–(iv).<br>265.1034(d)(2).<br>265.1034(e).<br>265.1034(e)(1)–(e)(3).<br>265.1034(f).<br>265.1035(a)(1)–(a)(2).<br>265.1035(b).<br>265.1035(b)(1)–(b)(2).<br>265.1035(b)(2)(i).<br>265.1035(b)(2)(ii).<br>265.1035(b)(3).<br>265.1035(b)(3)(i).<br>265.1035(b)(3)(ii).<br>265.1035(b)(3)(ii)(A)–(D).<br>265.1035(b)(3)(ii)(E).<br>265.1035(b)(3)(iii).<br>265.1035(b)(4).<br>265.1035(b)(4)(i)–(iii).<br>265.1035(b)(4)(iii)(A)–(G).<br>265.1035(b)(4)(iv).<br>265.1035(b)(4)(iv)(A)–(B).<br>265.1035(b)(4)(v).<br>265.1035(b)(4)(vi).<br>265.1035(b)(4)(vii)(A).<br>265.1035(b)(4)(vii)(B).<br>265.1035(b)(4)(viii).<br>265.1035(b)(4)(ix).<br>265.1035(c).<br>265.1035(c)(1)–(c)(4).<br>265.1035(c)(4)(i)–(iii).<br>265.1035(c)(4)(iii)(A)–(B).<br>265.1035(c)(4)(iv).<br>265.1035(c)(5)–(c)(7).<br>265.1035(c)(7)(i).<br>265.1035(c)(7)(ii).<br>265.1035(c)(8).<br>265.1035(d)–(f).<br>265.1050(a)–(b).<br>265.1050(b)(1)–(b)(2).<br>265.1050(c)–(d).<br>265.1051.<br>265.1052(a)(1)–(a)(2).<br>265.1052(b)(1)–(b)(2).<br>265.1052(c)(1)–(c)(2).<br>265.1052(d).<br>265.1052(d)(1)(i)–(iii).<br>265.1052(d)(2)–(d)(4).<br>265.1052(d)(5)(i)–(ii).<br>265.1052(d)(6)(i)–(iii).<br>265.1052(e).<br>265.1052(e)(1)–(e)(3).<br>265.1052(f).<br>265.1053(a).<br>265.1053(b).<br>265.1053(b)(1)–(b)(3).<br>265.1053(c).<br>265.1053(d).<br>265.1053(e)(1)–(e)(2). |

| Federal requirement | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------|-------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                   |              | 265.1053(f).<br>265.1053(g)(1)–(g)(2).<br>265.1053(h)–(i).<br>265.1053(i)(1)–(i)(2).<br>265.1054(a).<br>265.1054(b)(1)–(b)(2).<br>265.1054(c).<br>265.1055(a).<br>265.1055(a)(1)–(a)(2).<br>265.1055(b).<br>265.1055(b)(1)–(b)(3).<br>265.1055(c).<br>265.1056(a)(1)–(a)(2).<br>265.1056(b)–(c).<br>265.1057(a)–(b).<br>265.1057(c)(1)–(c)(2).<br>265.1057(d)(1)–(d)(2).<br>265.1057(e).<br>265.1057(e)(1)–(e)(4).<br>265.1057(f).<br>265.1057(f)(1)–(f)(3).<br>265.1057(g).<br>265.1057(g)(1)–(g)(2).<br>265.1057(h).<br>265.1057(h)(1)–(h)(3).<br>265.1057(h)(1)–(h)(3).<br>265.1058(a)–(b).<br>265.1058(c)(1)–(c)(2).<br>265.1058(d).<br>265.1059(a)–(c).<br>265.1059(c)(1)–(c)(2).<br>265.1059(d).<br>265.1059(d)(1)–(d)(2).<br>265.1059(e).<br>265.1060.<br>265.1061(a)–(b).<br>265.1061(b)(1)–(b)(3).<br>265.1061(c).<br>265.1061(c)(1)–(c)(3).<br>265.1061(d).<br>265.1062(a)(1)–(a)(2).<br>265.1062(b)(1)–(b)(4).<br>265.1063(a).<br>265.1063(b).<br>265.1063(b)(1)–(b)(5).<br>265.1063(c).<br>265.1063(c)(1)–(c)(4).<br>265.1063(d).<br>265.1063(d)(1)–(d)(3).<br>265.1063(e)–(i).<br>265.1064(a)(1)–(a)(2).<br>265.1064(b)(1)–(b)(4).<br>265.1064(c).<br>265.1064(c)(1)–(c)(3).<br>265.1064(d).<br>265.1064(d)(1)–(d)(10).<br>265.1064(e)–(g).<br>265.1064(g)(1)–(g)(5).<br>265.1064(h)–(i).<br>265.1064(i)(1)–(i)(2).<br>265.1064(j).<br>265.1064(j)(1)–(j)(2).<br>265.1064(k).<br>265.1064(k)(1)–(k)(3).<br>265.1064(l)–(m).<br>R.61–79.270.<br>270.14(b)(5).<br>270.14(b)(8)(iv).<br>270.14(b)(8)(v).<br>270.14(b)(8)(vi).<br>270.24(a)–(b).<br>270.24(b)(1)–(b)(3).<br>270.24(c)–(d). |

| Federal requirement                                                                                | HSWA or FR notice                                          | Promulgation                | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 80—Toxicity Characteristic; Hydrocarbon Recovery Operations.                             | 55 FR 40834 .....<br>56 FR 3978 .....<br>56 FR 13406 ..... | 10/5/90<br>2/1/91<br>4/2/91 | 270.24(d)(1)–(d)(5).<br>270.25.<br>270.25(a).<br>270.25(a)(1)–(a)(6).<br>270.25(b)–(e).<br>270.25(e)(1)–(e)(5).<br>SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.261.<br>261.4(b)(11).<br>261.4(b)(11)(ii).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| CHECKLIST 81—Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings. | 55 FR 46354 .....                                          | 11/2/90                     | SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.261.<br>261.31(a)–(b).<br>261.31(b)(1).<br>261.31(b)(2)(i).<br>261.31(b)(2)(i)(A).<br>261.31(b)(2)(i)(A)–(C).<br>261.31(b)(2)(ii).<br>261.31(b)(2)(ii)(A).<br>261.31(b)(2)(ii)(B).<br>261.31(b)(3)(i).<br>261.31(b)(3)(ii).<br>261.31(b)(3)(ii)(A).<br>261.31(b)(3)(ii)(B).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| CHECKLIST 82—Wood Preserving Listings .....                                                        | 55 FR 50450 .....                                          | 12/6/90                     | Appendix VII.<br>SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.260.10.<br>R.61–79.261.<br>261.4(a)(9).<br>261.31(a).<br>261.35(a)–(b).<br>261.35(b)(1)(i)–(iii).<br>261.35(b)(2)(i)–(iv).<br>261.35(b)(4)(i).<br>261.35(c).<br>261.35(c)(1)–(c)(12).<br>Appendix III.<br>Appendix VII.<br>Appendix VIII.<br>R.61–79.262.<br>262.34(a)(1)(iii).<br>262.34(a)(1)(iii)(A).<br>262.34(a)(1)(iii)(B).<br>262.34(a)(2)–(a)(4).<br>R.61–79.264.<br>264.190.<br>264.199(c).<br>264.570(a)–(b).<br>264.571(a)–(b).<br>264.571(b)(1)–(b)(3).<br>264.571(c)–(d).<br>264.573(a).<br>264.573(a)(1)–(a)(5).<br>264.573(b).<br>264.573(b)(1).<br>264.573(b)(1)(i)–(iii).<br>264.573(b)(2).<br>264.573(b)(2)(i).<br>264.573(b)(2)(i)(A).<br>264.573(b)(2)(i)(B).<br>264.573(b)(2)(ii).<br>264.573(b)(2)(iii).<br>264.573(c)–(m).<br>264.573(m)(1).<br>264.573(m)(1)(i)–(iv).<br>264.573(m)(2).<br>264.573(m)(3). |

| Federal requirement                                                                                     | HSWA or FR notice | Promulgation | State authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------|-------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                         |                   |              | 264.573(n)–(o).<br>264.574(a)–(b).<br>264.574(b)(1)–(b)(3).<br>264.575(a)–(b).<br>264.575(c)(1).<br>264.575(c)(1)(i).<br>264.575(c)(1)(ii).<br>264.575(c)(2).<br>264.572.<br>R.61–79.265.<br>265.190.<br>265.190(c).<br>265.440(a)–(b).<br>265.441(a)–(b).<br>265.441(b)(1)–(b)(3).<br>265.441(c)–(d).<br>265.442.<br>265.443(a).<br>265.443(a)(1)–(a)(5).<br>265.443(b).<br>265.443(b)(1).<br>265.443(b)(1)(i)–(iii).<br>265.443(b)(2).<br>265.443(b)(2)(i).<br>265.443(b)(2)(i)(A).<br>265.443(b)(2)(i)(B).<br>265.443(b)(2)(iii).<br>265.443(c)–(m).<br>265.443(m)(1).<br>265.443(m)(1)(i)–(iv).<br>265.443(m)(2).<br>265.443(m)(3).<br>265.443(n).<br>265.444(a)–(b).<br>265.444(b)(1)–(b)(3).<br>265.445(a)–(c).<br>265.445(c)(1).<br>265.445(c)(1)(i)–(ii).<br>265.445(c)(2).<br>R.61–79.270.<br>270.26.<br>270.26(a)–(c).<br>270.26(c)(1)–(c)(16). |
| CHECKLIST 84—Toxicity Characteristic; Chlorofluorocarbon Refrigerants.                                  | 56 FR 5910 .....  | 2/13/91      | SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.261.<br>261.4(b)(12).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| CHECKLIST 86—Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment.       | 56 FR 7567 .....  | 2/25/91      | SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.261.<br>261.33(e).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| CHECKLIST 87—Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment. | 56 FR 19290 ..... | 4/26/91      | Appendix VIII.<br>SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>§ 44–56–60.<br>§ 44–56–90.<br>§ 44–56–120.<br>§ 1–23–10.<br>R.61–72.264.<br>264.1030(a)–(b).<br>264.1033(f)(3).<br>264.1035(b)(4)(ii).<br>264.1052(b)(1).<br>R.61–72.265.<br>265.13(b)(6).<br>265.1030(b).<br>265.1034(c)(1)(vi).<br>265.1035(b)(4)(ii).<br>265.1035(c)(5).<br>265.1052(e)(3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Federal requirement                                                                                                            | HSWA or FR notice | Promulgation | State authority                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| CHECKLIST 88—Administrative Stay for K069 Listings .....                                                                       | 56 FR 19951 ..... | 5/1/91       | 265.1064(c).<br>R.61–72.270.<br>270.24(d)(2).<br>270.25(e)(2).<br>SCHWMA § 44–56–30.<br>§ 44–56–40.<br>§ 44–56–50.<br>R.61–79.261.<br>261.32.      |
| CHECKLIST 89—Revision to Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038). | 56 FR 21955 ..... | 5/13/91      | SCHWMA § 44–56–20.<br>§ 44–56–30.<br>§ 44–56–50.<br>R.61–79.261.<br>261.31(a).                                                                     |
| CHECKLIST 90—Mining Waste Exclusion III .....                                                                                  | 56 FR 27300 ..... | 6/13/91      | SCHWMA § 44–56–20.<br>§ 44–56–30.<br>§ 44–56–50.<br>R.61–79.261.<br>261.34(b)(7).                                                                  |
| CHECKLIST 91—Wood Preserving Listings—Administrative Stay.                                                                     | 56 FR 27332 ..... | 6/13/91      | SCHWMA § 44–56–20.<br>§ 44–56–30.<br>§ 44–56–50.<br>R.61–79.261.<br>261.31(a).<br>R.61–79.264.<br>264.573(a)(4).<br>R.61–79.265.<br>265.443(a)(4). |

### C. Decision

I conclude that South Carolina's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, South Carolina is granted final authorization to operate its hazardous waste program as revised. South Carolina now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. South Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

#### Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### 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. This authorization effectively suspends the applicability of certain Federal

regulations in favor of South Carolina'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 recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: August 4, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 95–19996 Filed 8–14–95; 8:45 am]

**BILLING CODE 6560–50–P**

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

#### 43 CFR Public Land Order 7153

[MT–930–1430–01; MTM 40641]

#### Partial Revocation of Executive Order Dated July 9, 1910; Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes an Executive order insofar as it affects 3,562.91 acres of public lands withdrawn for the Bureau of Land Management's Coal Reserve Montana No. 1. The lands are no longer needed for the purpose for which they were withdrawn. The revocation is needed to permit disposal of the lands through exchange. This action will open the lands to surface entry and non-metalliferous mining unless closed by overlapping withdrawals or temporary segregations of record. The lands have been and remain open to metalliferous mining and mineral leasing.

**EFFECTIVE DATE:** September 14, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2949.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive Order dated July 9, 1910, which withdrew public lands for the Bureau of Land Management's Coal Reserve Montana No. 1, is hereby revoked insofar as it affects the following described lands:

**Principal Meridian, Montana**

(Exchange MTM 82115—Rypkema Unit):

- T. 6 S., R. 49 E.,
  - Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;
  - Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ ;
  - Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ .
- T. 7 S., R. 49 E.,
  - Sec. 1, lot 1;
  - Sec. 4, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 5, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 12, lots 1, 2, and 3.
- T. 6 S., R. 50 E.,
  - Sec. 28, that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying north and west of the river;
  - Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 30, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 31, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;
  - Sec. 32, that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  lying north and west of the river.
- T. 7 S., R. 50 E.,
  - Sec. 6, lots 5 and 11.

(Exchange MTM 81618—Home Unit):

- T. 6 S., R. 49 E.,
  - Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 7 S., R. 49 E.,
  - Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 20, NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 21, lot 3;
  - Sec. 29, lot 13;
  - Sec. 30, lots 2, 3, and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 31, lots 1, 2, and 3;
  - Sec. 32, lot 2.
- T. 8 S., R. 49 E.,
  - Sec. 6, lot 6;
  - Sec. 7, lots 2 and 4.

The areas described aggregate 3,562.91 acres in Powder River County.

2. At 9 a.m. on September 14, 1995, the lands described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on September 14, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on September 14, 1995, the lands will be opened to location and entry for non-metalliferous mining under the United States mining laws, subject to valid existing rights, the

provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 4, 1995.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

[FR Doc. 95-20147 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-DN-M**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 64 and 68**

**[CC Docket No. 92-90; FCC 95-310]**

### **Telephone Consumer Protection Act of 1991**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** On July 26, 1995, the Commission adopted a Memorandum Opinion and Order (MO&O) finalizing its rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). In the MO&O, the Commission resolves a number of issues raised regarding the Report and Order. The Commission's actions clarify certain critical aspects of the regulations implementing TCPA and ensures that the costs of privacy protection are not borne by the residential subscriber. The MO&O balances the need to protect consumers' privacy with the imperative that telemarketing practices not be unreasonably hindered.

**EFFECTIVE DATE:** September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Scott A. Shefferman, Attorney, Domestic Facilities Division, Common Carrier Bureau, (202) 418-2332.

**SUPPLEMENTARY INFORMATION:** This summarizes the Commission's Memorandum Opinion and Order in the matter of Rules and Regulations

Implementing the Telephone Consumer Protection Act of 1991, (CC Docket 92-90, adopted July 26, 1995, and released August 7, 1995). This file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., NW., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, DC 20037, phone (202) 857-3800.

### **Analysis of Proceeding**

On September 17, 1992, the Commission adopted a Report and Order (57 FR 48333, October 23, 1992) that established procedures governing unwanted telephone solicitations, and set forth regulations governing the use of automatic telephone dialing systems, prerecorded or artificial voice messages, and telephone facsimile machines. This MO&O considers requests for reconsideration and/or clarification of rules implemented in the Report and Order in this proceeding.

A "telephone solicitation," as defined in the Telephone Consumer Protection Act of 1991 (TCPA) and FCC rules, is a telephone call initiated for the purpose of encouraging the purchase of or investment in property, goods or services. The definition specifically excludes calls made by a tax-exempt nonprofit organization. The MO&O clarifies that telephone solicitations made either by or on behalf of tax-exempt nonprofit organizations are excepted from the telephone solicitation rules, and revises the rules accordingly. Commission rules also require each telemarketer to maintain, and retain on a permanent basis, a company-specific (*i.e.*, in house) list of telephone service subscribers that do not wish to receive further solicitation calls from that telemarketer ("do-not-call list"). The MO&O reconsiders and modifies the recordkeeping requirement for telemarketers by requiring the record of such "do-not-call" requests to be kept for a ten-year period, rather than permanently. Commission rules also prohibit prerecorded calls to residences. The MO&O clarifies that debt collection calls fall within the exceptions to the general ban against prerecorded calls to residences.

Further, the MO&O clarifies, among other things, the Commission's rules regarding telephone facsimile machines and unsolicited facsimile advertisements by stating that: (a) Telephone facsimile machines need not contain a disabling device to prevent facsimile transmission without the required identification; (b) machines

manufactured after the effective date of the rules must provide the *capability* to clearly mark identifying information (including the date and time of transmission) upon initial programming by the user; (c) facsimile modem computer boards are subject to our rules on telephone facsimile machines; and (d) the entity on whose behalf a facsimile message is transmitted is ultimately responsible for compliance with the rules banning unsolicited facsimile advertisements.

Finally, Commission rules require entities or individuals making telephone solicitations to provide identifying information to called parties, including a telephone number at which the solicitor can be reached. The TCPA prohibits charging consumers to protect their privacy, and FCC rules prohibit imposing costs on called parties. The MO&O therefore modifies the Commission's rules to ensure that telephone numbers provided in solicitations for identification purposes do not require the called party to incur more than nominal costs for making a do-not-call request.

#### Ordering Clauses

Accordingly, it is ordered, that the petitions for reconsideration and/or clarification of the rules and regulations implementing the Telephone Consumer Protection Act of 1991 are denied in part and granted in part.

It is further ordered, That effective December 13, 1995, telephone facsimile modem boards, which enable personal computers to transmit messages to or receive messages from conventional telephone facsimile machines or other computer fax boards, must be manufactured in compliance with the Commission's amended rules as set forth below.

It is further ordered, That, pursuant to authority contained in sections 1, 4(i), 4(j), 201–205, 218, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 218 and 227, parts 64 and 68 of the Commission's Rules and Regulations Are Amended as set forth below, effective September 14, 1995.

#### List of Subjects

##### 47 CFR Part 64

Consumer protection, Reporting and recordkeeping requirements, Telephone.

##### 47 CFR Part 68

Communications equipment, Facsimile, Telephone.

Federal Communications Commission.

**LaVera F. Marshall,**  
*Acting Secretary.*

#### Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, parts 64 and 68, are amended as follows:

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

**Authority:** Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201–4, 218, 225, 226, 227, unless otherwise noted.

2. Section 64.1200 is amended by revising paragraphs (e)(2)(iv), (e)(2)(vi) and (f)(3)(iii) to read as follows:

##### § 64.1200 Delivery restrictions.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(iv) *Identification of telephone solicitor.* A person or entity making a telephone solicitation must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. If a person or entity makes a solicitation using an artificial or prerecorded voice message transmitted by an autodialer, the person or entity must provide a telephone number other than that of the autodialer or prerecorded message player which placed the call. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

\* \* \* \* \*

(vi) *Maintenance of do-not-call lists.* A person or entity making telephone solicitations must maintain a record of a caller's request not to receive future telephone solicitations. A do not call request must be honored for 10 years from the time the request is made.

(f) \* \* \*

(3) \* \* \*

(iii) By or on behalf of a tax-exempt nonprofit organization.

\* \* \* \* \*

#### PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for part 68 continues to read as follows:

**Authority:** Secs. 1, 4, 5, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410,

602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.318 is amended by revising paragraph (c)(3) to read as follows:

##### § 68.318 Additional limitations.

\* \* \* \* \*

(c) \* \* \*

(3) Telephone facsimile machines; identification of the sender of the message. It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. Telephone facsimile machines manufactured on and after December 20, 1992 must clearly mark such identifying information on each transmitted message. Facsimile modem boards manufactured on and after December 13, 1995 must comply with the requirements of this section.

\* \* \* \* \*

[FR Doc. 95–20116 Filed 8–14–95; 8:45 am]

BILLING CODE 6712–01–M

#### 47 CFR Part 73

[MM Docket No. 94–8; RM–8412; RM–8461]

#### Radio Broadcasting Services; Ola and Russellville, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots FM Channel 267A to Ola, Arkansas, as that community's first local aural transmission service, at the request of Yell County Broadcasting. A mutually-exclusive proposal to substitute Channel 267A for Channel 265A at Russellville, Arkansas, and concomitant modification of the license of Johnson Communications, Inc. for Station KCJC(FM) is denied. See 59 FR 7669, February 16, 1994. Coordinates used for Channel 267A at Ola, Arkansas, are 35–01–02 and 93–13–34. With this action, the proceeding is terminated.



**DATES:** Effective September 25, 1995. The window period for filing applications will open on September 25, 1995, and close on October 26, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 267A at Ola, Arkansas, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-8, adopted August 2, 1995, and released August 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Ola, Channel 267A.

Federal Communications Commission.

**Andrew J. Rhodes,**

*Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-20115 Filed 8-14-95; 8:45 am]

**BILLING CODE 6712-01-F**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 673**

[Docket No. 950428123-5193-02; I.D. 042595A]

**RIN 0648-AIOO**

**Scallop Fishery off Alaska; Closure of Federal Waters to Protect Scallop Stocks**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to implement a Fishery Management Plan for the Scallop Fishery off Alaska (FMP). The FMP specifies the optimum yield (OY) for the scallop fishery in Federal waters off Alaska as a numerical range of 0-1.1 million lbs (0-499 mt) of shucked scallop meats. The only management measure authorized under the FMP is an interim closure of Federal waters off Alaska to fishing for scallops. Federal waters will remain closed for up to 1 year. This action is necessary to prevent overfishing of scallop stocks while an amendment to the FMP is prepared that would allow the controlled harvest of scallops in Federal waters. This action is intended to prevent overfishing of scallops that could otherwise result from unregulated fishing for scallops in Federal waters.

**EFFECTIVE DATE:** 12:01 a.m., Alaska local time (A.l.t.), August 29, 1995.

**ADDRESSES:** Copies of the FMP and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for the FMP may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

**FOR FURTHER INFORMATION CONTACT:** Susan Salveson, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Federal waters off Alaska have been closed to fishing for scallops under an emergency interim rule that expires August 28, 1995 (60 FR 11054, March 1, 1995, corrected at 60 FR 12825, March 8, 1995, and 60 FR 28359, May 31, 1995). The emergency interim closure was intended to prevent unregulated and uncontrolled fishing for scallops in Federal waters while the North Pacific Fishery Management Council (Council) prepared the FMP.

At its April 1995 meeting, the Council approved the FMP for review under

section 304(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.* (Magnuson Act)). A notice of availability of the proposed FMP was published in the **Federal Register** on April 28, 1995 (60 FR 20959), and invited comment on the FMP through June 26, 1995. A proposed rule to implement the FMP was published in the **Federal Register** on May 10, 1995 (60 FR 24822), and comments on the proposed rule were invited through June 19, 1995. Three letters providing written comment were received within the comment period. Written comments on the FMP and the proposed rule to implement it are summarized in the Response to Comments section, below.

The FMP was approved on July 26, 1995, under section 304(b) of the Magnuson Act. Upon reviewing the reasons for the FMP and the comments on the proposed rule to implement it, NMFS has determined that this final rule is consistent with the Magnuson Act and the FMP as adopted by the Council.

The final rule implements a maximum 1-year closure of Federal waters to fishing for scallops. The intent of this action is to prevent an unregulated and uncontrolled fishery for scallops in Federal waters that could result in overfishing of scallop stocks while an amendment to the FMP is prepared, which would authorize fishing for scallops under a Federal management regime. NMFS has pursued this approach, because it has determined that the suite of alternative management measures necessary to support a controlled fishery for scallops in Federal waters could not be prepared, reviewed, and implemented before the emergency rule expires on August 28, 1995. Instead, NMFS has approved this rule to protect the long-term productivity of scallop stocks off Alaska necessary to achieve the future harvest of OY on a continuing basis without the "boom and bust" cycle historically experienced in other scallop fisheries.

The FMP and its implementing rule are explained further in the preamble to the proposed rule. The measures set out in the final rule do not differ from the proposed rule.

**Response to Comments**

Three letters of comments were received within the comment period. A summary of the written comments and NMFS' response follows:

*Comment 1.* No information exists to support closure of Federal waters to fishing for scallops under the proposed FMP.

*Response.* NMFS disagrees. Fishing for scallops in Federal waters by a vessel not subject to State regulations governing the scallop fishery precipitated an emergency rule to close Federal waters to unregulated fishing for scallops (60 FR 11054, March 1, 1995, and 60 FR 28359, May 31, 1995). Based on the events that warranted the emergency interim rule, the Council has recommended that a Federal FMP is needed to authorize an interim closure of Federal waters to fishing for scallops that will continue for 1 year or until a superseding Federal management regime is implemented, whichever is earlier. In the absence of a management regime, NMFS anticipates that continued unregulated scallop fishing could result in local depletion of scallops, increasing the risk of overfishing of scallops stocks.

NMFS recognizes that an interim closure of Federal waters to fishing for scallops will result in a substantial impact on scallop fishermen. The potential foregone revenue to scallop fishermen could approach \$6 million if Federal waters remain closed for the entire year. However, this short-term impact is justified by the need to prevent overfishing of scallop stocks and ensure the long-term productivity of the scallop resource so that the OY may be achieved on a continuing basis under a future management regime that authorizes a regulated fishery in Federal waters.

*Comment 2.* The proposed FMP is not consistent with National Standard 1, because the FMP does not establish a quantified maximum sustainable yield (MSY); the proposed OY range does not reflect the estimated range of harvests in Federal waters relative to distribution of weathervane scallops, which is from California to Alaska; and the specified OY is not based on the best information available (see Comment 3). Furthermore, the 1-year closure authorized under the proposed FMP would interfere with the achievement of OY on a long-term, continuing basis.

*Response.* NMFS disagrees. See also response to Comment 3. NMFS noted in the preamble to the proposed rule that biomass estimates for scallops are limited, and the continuing expansion of this fishery into new areas make numerical estimation of MSY for weathervane and other scallop species not possible at this time. Nonetheless, an OY range (0 to 1,100,000 lb (0–499 mt)) may be established based on historical catches from Federal waters. These catches are the best information available on the long-term productivity of the scallop resource off Alaska. During the period that Federal waters

are closed to fishing for scallops, the OY is set at zero. This interim OY level is consistent with National Standard 1 and will achieve OY on a continuing basis because: (1) Prevention of overfishing during the short-term will help guarantee a healthy long-term OY from the fishery when it is reopened, (2) the scallop harvest foregone during the interim closure will be available for later harvest and will contribute to increased OY because this species is a long-lived resource, (3) uncontrolled scallop fishing (the alternative to implementing the FMP) in the EEZ may repeat the overfishing and stock depression that historically has occurred in the weathervane scallop fishery, and (4) uncontrolled scallop dredging increases the potential for increasing bycatch of crab beyond levels presently established by the State of Alaska and may interfere with achieving OY in certain crab fisheries.

If implementation of the FMP and its associated OY are delayed until more scientific information is collected and analyzed, unregulated fishing for scallops in Federal waters would continue until NMFS acquired all data necessary to refine the determination of MSY/OY. At that point, the resource might be too diminished to allow achievement of OY on a continuing basis.

*Comment 3.* The proposed FMP is not consistent with National Standard 2, because the FMP does not use the best information available, that includes data on landings, meat counts, resource distribution, spatial catch, and fishing effort. Furthermore, the available scientific database for the Alaska scallop fishery is thin and does not justify an interim closure of Federal waters.

*Response.* NMFS disagrees. The FMP and preamble to the proposed rule summarized the recent trends in scallop landings, meat counts per pound, and fishing effort that precipitated the preparation of a scallop management plan by the Alaska Department of Fish and Game (ADF&G). NMFS and ADF&G have acknowledged the limited information on scallop population structure and abundance. ADF&G is continuing to pursue analyses of biological, fishery, and resource assessment data to better understand the population structure of the Alaska scallop resource and its sustainable exploitation level. Available scientific data on the life history traits of weathervane scallops and other scallops species indicate that weathervane scallops are susceptible to localized depletion and require a cautious resource management approach. Therefore, NMFS has determined that

an interim closure of the scallop fishery in the EEZ is necessary until such time as a management regime can be implemented to manage the fishery.

*Comment 4.* The weathervane scallop is distributed from California to Alaska and commercial fisheries occur off the States of Oregon and Washington. National Standards 3 and 6 require that an individual stock of fish shall be managed as a unit throughout its range and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches. The proposed FMP does not indicate that any effort was made to consult with the States of Oregon and Washington or with the Pacific Fishery Management Council (Pacific Council). Given that the proposed FMP only addresses fishing activity off Alaska, the FMP does not consider a properly defined management unit and violates National Standards 3 and 6.

*Response.* NMFS disagrees. Comment 4 confuses geographic distribution of a species with stock management. Concentrations of adult scallops do not mingle and typically are managed as separate stocks. The geographic range of the weathervane scallops consists of a collection of stocks. Available information on resource distribution supports the management of the Alaska scallop resource as separate stock units. NMFS anticipates that future amendments to the FMP that authorize controlled fishing for scallops off Alaska will further define management units of the Alaska scallop resource in a manner very similar to the scallop management areas developed by the State of Alaska.

The FMP for the Alaska scallop fishery was precipitated by uncontrolled fishing for scallops off Alaska. A similar situation could occur off the Pacific Coast States. This situation has prompted the Pacific States Marine Fisheries Commission (PSMFC) to pursue an amendment to the Magnuson Act that would authorize the West Coast States to protect legitimate state interests in the conservation and management of fish caught in Federal waters off the coast of Washington, Oregon, or California in the absence of an approved Federal fishery management plan.

The PSMFC predicated its action on the belief that scallops are very sensitive to fishing pressure and that sudden increases in fishing effort may have long-term negative consequences to the recuperative capability of scallop stocks. The PSMFC has further acknowledged action by the Council to initiate rulemaking to control the scallop fishery off Alaska and the resulting potential for

increased effort for scallops off Washington and Oregon.

No information is available to NMFS that indicates that the interim closure of Federal waters off Alaska to fishing for scallops under either the February 24, 1995, emergency rule or the FMP will have an impact on the Washington and Oregon scallop fishery in a manner not already occurring due to increased fishing effort by vessels displaced from the East Coast of the United States. In recent years, the amount of scallops harvested off Oregon and Washington annually was not substantial relative to the Alaska fishery and averaged less than 1 percent of the Alaska harvest during 1989–1992. In 1993, the scallop landings off Oregon and Washington increased to 270,000 lb (122.47 mt) and 246,000 lb (111.58 mt), respectively, due to increased fishing effort by east coast vessels.

The Council has no authority beyond the Federal waters off Alaska. Nonetheless, the Council consists of three members from the State of Washington and two members from the State of Oregon. At least one of these members serves on both the North Pacific and Pacific Councils, as well as the PSMFC. NMFS believes this joint membership served to inform adequately the Pacific Council about scallop management actions the Council was considering. The fact that the PSMFC chose to pursue a Magnuson Act amendment to resolve Pacific coast management concerns rather than an interjurisdictional management plan and that the Alaska scallop FMP only addresses fishing off Alaska does not constitute a violation of National Standards 3 or 6.

*Comment 5.* The proposed FMP is not consistent with National Standard 4. An interim closure of Federal waters to fishing for scallops discriminates against residents of different States, and only Alaska State registered vessels are allowed to harvest weathervane scallops in Alaska State waters. This provides a competitive advantage to Alaskan vessels.

*Response.* NMFS disagrees. The interim closure to fishing for scallops authorized under the FMP does not discriminate against non-Alaska State residents. All vessels are prohibited from fishing for scallops in Federal waters off Alaska, including vessels owned and operated by Alaska State residents and vessels registered under the laws of the State of Alaska. The State of Alaska has notified the public that it will open specified State waters to limited fishing for scallops. Any vessel owner, regardless of state of residency, may choose to register his/

her vessel with the State of Alaska and abide by State regulations governing the scallop fishery in State waters. Neither inconsistency with National Standard 4 nor discrimination against non-Alaska state residents results from implementation of the FMP.

*Comment 6.* The proposed FMP is not consistent with National Standard 5, because the FMP seriously limits efficiency and no analysis is provided on how a 1-year closure of Federal waters will enhance long-term efficiency. Similarly, the previous acceptance by NMFS of an Alaska State scallop management program also imposed technical and economic inefficiencies.

*Response.* NMFS disagrees. Efficiency in terms of resource management is enhanced by providing for the long-term sustainable harvest of the scallop resource (see response to Comment 2). NMFS concurs that short-term economic gain is subordinated to the long-term health of the scallop resource. This balance is considered and allowed under National Standards 1 and 5. Furthermore, fishery resources regulations typically control efficiency to prevent stock depletion. Without such controls, fishermen might fish until it were unprofitable to do so, resulting in localized depletion of scallops, which would increase the risk of overfishing scallop stocks.

*Comment 7.* The proposed FMP is not consistent with National Standard 7, because the FMP does not address how NMFS would monitor the closure of Federal waters to fishing for scallops. Effective enforcement could be costly. Furthermore, the proposed FMP differs from the regulations of Washington and Oregon and would not minimize costs and avoid unnecessary duplication.

*Response.* NMFS disagrees. NMFS would monitor and enforce closure of Federal waters to fishing for scallops in the same manner that groundfish area closures are enforced (i.e., observer data, surveillance flights by the U.S. Coast Guard (USCG), recordkeeping and reporting documentation, other available sources of information that indicate the location of fishing operations). NMFS recognizes that some scallop stocks straddle Federal and State waters in a manner that may make the enforcement of the closure of Federal waters off Alaska difficult. NMFS also recognizes that, in recent years, most of the scallop harvest has come from Federal waters and that the State of Alaska intends to follow a conservative approach to opening State waters to fishing for scallops so that the potential for redistribution of fishing effort from Federal to State waters does not

jeopardize the resource in State waters. NMFS intends to coordinate management with the State of Alaska so that the State will consider any enforcement concerns resulting from the closure of the Federal fishery when determining whether or not to open State waters to fishing for scallops.

*Comment 8.* The proposed FMP is not consistent with the New England Fishery Management Council's (New England Council's) scallop fishery management plan, which provides for an industry advisory panel. The proposed FMP should allow for an industry advisory panel to provide a forum for management agencies and industry members to discuss management and data collection strategy.

*Response.* The management measures contained in the scallop fishery management plan prepared by the New England Council may or may not be pertinent to the management of the Alaska scallop fishery under the authority of the Council. The proposed FMP contains a single management measure, an interim closure of Federal waters, to provide the time necessary to prepare a management regime that would authorize a controlled fishery for scallops in Federal waters. This future management regime could provide for an industry advisory panel that provides input to management agencies if the Council so desires. An industry advisory panel beyond that which already exists in the normal Council process is not mandated, because the New England Council has made such a provision in its scallop management plan.

*Comment 9.* Concerns about localized overfishing of scallop stocks do not justify closure of Federal waters because fishermen will leave a fishing area before the stock is overharvested to the point where profit margin falls to the break even point. As a result, sufficient amounts of scallops will remain to repopulate an area.

*Response.* NMFS disagrees. Also see response to Comment 2. The weathervane scallop is a long-lived, slow growing species. As a result, this species is vulnerable to overfishing. Fishing a localized stock of scallops until catch-per-unit-of-effort (CPUE) drops to the point of becoming unprofitable poses conservation concerns, especially if the stock is reduced to the point where it is not able to recover or can recover only after a long period of time.

Prior to the 1990's, management of the Alaska weathervane scallop fishery was premised on the assumption that the fishery would self-regulate by

economics. The fishery was fairly small and passively managed using gear restrictions, fishing seasons, and closed areas. Experience with this management approach for weathervane scallops and other scallop species has indicated that a collapse of a scallop fishery is not uncommon following a relatively brief period of intense fishing effort. Recent expansion of fishing capacity of the Alaska scallop fleet has aggravated overfishing concerns.

The scallop resource off Alaska may have avoided overall depletion during the early years of the fishery (late 1960's and early 1970's) because scallops were widely distributed and the small fleet was economically motivated to move to new areas to maintain catch rates or to other fisheries. However, available fishery data suggest that the Kodiak and Yakutat area stocks may have been overfished.

During the early years of the Alaska scallop fishery, the scallop harvests from the Kodiak and Yakutat areas were predominated by scallops age 7 and older. By the early 1970's, 2–6 year old scallops dominated the catch. The magnitude of the age shift during the early years of the fishery, as well as subsequent poor fishery performance, indicates that high harvests during the early years of the fishery off Kodiak and Yakutat were not sustainable over the long term (Shirley and Kruse 1995). Published scientific literature provides numerous other examples where overharvesting of scallop stocks has led to long-term or permanent inability to support a commercial fishery (Young and Martin 1989, Orensanz 1986, Aschan 1991).

*Comment 10.* Closure of Federal waters to fishing for scallops will prevent the collection of fishery data that are needed for sound management of the fishery.

*Response.* NMFS recognizes the importance of fishery data in monitoring the status of the scallop resource. The FMP authorizes a 1-year closure of Federal waters, so the potential loss of commercial fishery data from Federal waters is limited. Fishery data still would be collected from State scallop fisheries authorized by ADF&G. Furthermore, ADF&G has scheduled a 1995 resource assessment for the scallop resource near Kayak Island in the Prince William Sound management area. In addition, ADF&G plans to analyze biological and fishery data already collected to assess sustainability of exploited weathervane scallop stocks off Alaska. Given the opportunity to collect data from State fisheries during the period of time Federal waters are closed, as well as ADF&G's analysis of data

already collected to estimate recruitment, growth, and mortality parameters, NMFS does not believe that a 1-year hiatus in the collection of Federal fishery data will significantly affect the future management of the fishery.

*Comment 11.* NMFS accepts public comment and outside data perfunctorily and for no other reason than that it is required by statute to do so. No evidence exists, especially for the scallop fishery, that the comments submitted from commercial fishing interests have had any effect whatsoever on ultimate decisions.

*Response.* NMFS disagrees. NMFS routinely revises final regulations in response to public comment. In the case of the proposed FMP, this public comment challenging the merits of a fishery closure or the efficacy of constraining fishing activity implies that short-term financial gain on the part of one or more vessels has priority over the long-term health of the scallop resource and sustainable yield by all participants in the fishery in future years. This perspective is counter to what NMFS believes to be wise use of the Alaska scallop resource. Nonetheless, NMFS has acknowledged and responded to such comments.

*Comment 12.* The implementation of the proposed FMP is being done on a fast track to prevent unregulated fishing in Federal waters by one vessel. A major concern posed by NMFS and the Council is that allowing unregulated fishing by one vessel in Federal waters could cause serious biological overfishing. Without any information on resource conditions and vessel performance measures, it is not possible to state whether or not a single vessel could endanger the resource locally or otherwise. This would be highly unlikely.

*Response.* NMFS disagrees. The schedule for review and implementation of the proposed FMP is established under section 304 of the Magnuson Act. NMFS has not deviated from this process to pursue an alternative "fast-track" implementation schedule. NMFS acknowledges that the preparation and review of the FMP have been given high priority. NMFS believes that the Alaska scallop fishery must be protected from uncontrolled fishing activity to better assure the long-term health of the scallop resource and sustain harvests of this resource at an optimum level. As experienced earlier in 1995, unregulated fishing by a single vessel in Federal waters exceeded an Alaska State guideline harvest level by over 100 percent. This degree of overharvesting has the potential for unrestricted crab

bycatch and the possibility that one or more vessels would continue to overharvest the scallop stocks, necessitates closure of Federal waters until a Federal management regime is prepared that authorizes a controlled fishery for scallops. Moreover, continued unregulated fishing by one or more vessels could result in conflicts with other vessels that do not choose to pursue an unregulated fishery, or those Alaska-licensed vessels that are prohibited from fishing for scallops. NMFS has determined that such conflicts represent serious management issues that should be addressed whenever possible.

*Comment 13.* NMFS was content to permit regulation of the scallop resource by the State of Alaska, which authorized the harvest of 1.6 million lbs (726 mt) of scallops for 1995. Furthermore, NMFS did not require the Alaska State regulations covering harvesting in Federal waters by Alaska State registered vessels to meet the national standards and purposes of the Magnuson Act. The 1995 quota under State management, which NMFS found acceptable, still has 1.5 million lbs (680 mt) available. Yet NMFS maintains that the fishery must be closed to protect the resource. The full 1995 Alaska quota should be harvested before the fishery is closed.

*Response.* NMFS disagrees. Comment 13 suggests that no conservation problem exists that justifies a closure of Federal waters under the proposed FMP, because the full 1.6 million lbs (726 mt) annual quota established by the State of Alaska has not been harvested. This premise is misleading and irrelevant to the basis for the interim closure authorized under the FMP. The interim closure under the FMP is necessary to address NMFS' concern for localized depletion as a result of uncontrolled dredging for scallops by one or more vessels. Experience in 1995 has shown that closure of an area to fishing for scallops under Alaska State regulations when an annual quota has been reached does not cause unregulated vessels to cease fishing operations. As a result of such action, the State's quota for its Prince William Sound registration area was exceeded by over 100 percent. This poses more than adequate evidence of a serious conservation problem. Therefore, the commenter's suggestion that scallops remain to be harvested in other Federal waters off Alaska is irrelevant to the problem faced by management agencies.

*Comment 14.* The determination in the preamble to the proposed rule that the rule is not significant for purposes

of E.O. 12866 is unexplained and is not legally correct.

*Response.* The EA/RIR/Initial Regulatory Flexibility Analysis prepared for the FMP addressed the significance of the interim closure authorized under the FMP relative to E.O. 12866. This information was not required to be repeated in the preamble to the proposed rule.

NMFS requires the preparation of a RIR for all regulatory actions that either implement a new fishery management plan or significantly amend an existing plan. The RIR is part of the process of preparing and reviewing fishery management plans and provides a comprehensive review of the changes in net economic benefits to society associated with proposed regulatory actions. The analysis also provides a review of the problems and policy objectives promoting the regulatory action and an evaluation of the major alternatives that could be used to solve the problems. The RIR addresses many of the items in the regulatory philosophy and principles of E.O. 12866.

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

A regulatory program is "economically significant" if it is likely to result in the effects described in item (1) above. The RIR is designed to provide information to determine whether the proposed regulation is likely to be "economically significant."

NMFS believes the RIR prepared for the proposed FMP adequately assessed the costs and benefits that could result from the implementation of the proposed FMP and that the determination that the rule implementing the FMP is not significant under E.O. 12866 is justified.

*Comment 15.* The legal brief supporting Trawler Diane Marie, Inc.'s motion for summary judgment in its case seeking to set aside the February 24, 1995, emergency rule, as well as the associated affidavit of James E. Kirkley and William D. DuPaul commenting on both the emergency rule and the proposed FMP closure of the scallop fishery in Federal waters off Alaska are submitted as comment on the proposed FMP.

*Response.* The issues and complaints contained in the legal brief filed by the plaintiffs in *Trawler Diane Marie, Inc. v. Ronald H. Brown*, No. 2-95-CV-15-D(2) (E.D.N.C.), have been responded to in several subsequent memoranda of reply and are not repeated here. General comments that directly pertain to the proposed FMP and that were contained also in the Kirkley and DuPaul review of the proposed FMP are addressed above. Comments specific to the Kirkley and DuPaul review are addressed below.

*Comment 16.* The proposed FMP presents insufficient information to assess whether or not the FMP will improve resource conditions and benefit the nation. There has been no stock assessment of the resource in recent years. Furthermore, the structure of the stock is not defined and information is lacking on whether the resource is characterized as an open population or defined in terms of discrete, localized, and self-contained populations.

*Response.* NMFS acknowledges that the data on the weathervane scallop resource are not complete. ADF&G conducted an assessment of the Cook Inlet stock in 1984 and intends to conduct an assessment of the Prince William Sound stock this summer. Although stock structure of the weathervane scallop resource is not well defined, scientists generally recognize the resource to comprise megapopulations, which are discrete collections of adult animals that do not intermix but that may be connected by larval drift. Such populations are susceptible to localized depletion. Furthermore, the proposed FMP refers to scientific evidence that a number of other scallop species have megapopulations comprising multiple discrete self-sustaining populations. NMFS concludes from these studies that weathervane scallops structure may be organized similarly and be susceptible to localized overfishing. Weathervane scallops and other scallop species have a history of overexploitation that resulted in serious depletion of localized stocks, which may have led to overfishing (Shirley and Kruse 1995). Concerns about overexploitation as well as uncertainty about scallop stock

structure and abundance support a conservative interpretation of available data and development of a management regime in favor of resource protection. This approach is superior to that alluded to in Comment 16, which indicates that, in the absence of definitive information about the scallop resource, NMFS should err on the side of resource exploitation.

*Comment 17.* No apparent information exists on catch and effort or meat counts, although the proposed FMP refers to voluntary data submitted by members of the scallop fishery and to other anecdotal information. NMFS indicates that this information suggests a resource problem, because the number of meats per pound has increased and CPUE has declined in recent years. Contrary to NMFS' premise, increased meat counts could be the result of many factors, one of which is the fact that scallop vessels have increasingly exploited Federal waters off Alaska. The water depth is typically deeper in offshore waters and scallops from deep waters typically have lower yields or higher counts than scallops of the same size for shallow water areas because of reduced food abundance. Also, since the fishery has intensified, there has been more exploitation throughout the year. As a consequence, more scallops may now be harvested during the spawning period when meat yields typically decline or the counts increase.

*Response.* ADF&G has collected landings data from fish tickets from the Alaska scallop fishery since the 1960's. This information includes catch amounts and limited data on fishing effort (e.g., number of vessels, vessel size, number of tows). ADF&G also collected data from on board catch sampling and logbook interview programs from the scallop fishery during 1968-1972 and provided additional effort information (actual number of days fished) as well as data on shucked meat weights. In addition, ADF&G has conducted an on board observer program since 1993 that collects detailed data on catch and effort (e.g., duration of tows).

Published literature indicates that scallop growth can vary between inshore and offshore areas (MacDonald and Bourne 1987, Can. J. Fish. Aquat. Sci. 44: 152-160) and between geographic areas. A movement of vessels from inshore to offshore fishing grounds would indicate that catch rate is declining in the area the vessels are leaving. This suggests inshore scallop stocks have been fished down to the point where vessels no longer can profitably harvest them. Furthermore, age composition data from the

commercial fishery during the late 1960's and early 1970's showed a downward shift in age structure in the Kodiak and Yakutat stocks (see response to Comment 9).

Although a year-round fishery and exploitation during the spawning season could account for higher meat counts, this is not a likely explanation for increased meat counts in the Alaska scallop fishery, because most of the Alaska scallop harvest occurs in the summer months, after the spawning season.

*Comment 18.* The proposed FMP presents no information on pre-recruits, which would not be observed in the State's mandatory observer program and which could be extremely high. Alaska State regulations and the commercial gear configuration allow escapement of small scallops. Available data indicate the timing and frequency of spawning by weathervane scallops is highly synchronous. Consequently, scallop shell height frequency distributions could be a good indicator of year-class survival or strength for ages 1 to 4. This important information apparently is not obtained by at-sea observers.

*Response.* Vessels that fish under the authority of Alaska State regulations carry observers. These observers collect data on shell height frequency that is analyzed by ADF&G to assess stock condition and exploitation. Further, commercial fishery data on the abundance of age 3 or 4 scallops may provide an index of future productivity.

Although weathervane scallops can produce gametes by age 3 or 4, these ages may not contribute significantly to reproduction. Data on some related species show that adults do not produce fully viable gametes until several years after age at first maturity. Scientists in British Columbia currently are researching this phenomenon for weathervane scallops. Thus, published information on age-at-maturity may be changing. If mean age of maturity is older than previously thought, current regulations afford less protection for spawning stocks than currently believed and recruitment overfishing is more likely to occur.

*Comment 19.* Management agencies have not collected information on fishing effort in the Alaska scallop fishery regularly. However, the consensus of scallop researchers is that CPUE is not a valid indicator of the resource abundance of scallops.

*Response.* Information on CPUE in the Alaska scallop fishery has been regularly collected on ADF&G fish tickets since the 1960's. NMFS generally agrees that average CPUE may not be a valid indicator of resource abundance

for aggregative species like scallops, because concentrations are fished heavily until CPUE drops, and the fleet or a vessel then moves on to a different stock to repeat this pattern. Rather than analyze region-wide CPUE data, the State of Alaska is analyzing detailed area-specific fishery data with geographic information systems to better understand stock distribution and abundance. Further, ADF&G is analyzing biological data collected from the State's observer program to estimate recruitment, growth, and mortality parameters and to increase management agency knowledge of the sustainability of the exploited Alaska weathervane scallop stocks.

*Comment 20.* The management of the Alaska scallop fishery by ADF&G has contributed to a decline in CPUE. Quotas established by ADF&G are notoriously inefficient and cause vessels to engage in derby-style fishing practices. This type of fishing strategy has been shown throughout the fishery literature to cause a decline in CPUE and to create economic and technical inefficiency. This approach to fishery management violates National Standard 5, because it fails to promote efficiency in the utilization of fishery resources.

*Response.* NMFS finds that this comment is not relevant to the action being proposed (i.e., a 1-year closure of the scallop fishery in the EEZ). Nonetheless, NMFS notes that establishment by the State of Alaska of management area quotas is an accepted management measure used by fishery management agencies.

*Comment 21.* The proposed FMP reports an unreasonably high harvest capacity (65,000 lbs, or 29 mt, of shucked scallop meats per week) for the single vessel that had fished Federal waters outside the regulatory authority of the State of Alaska and which precipitated the February 24 emergency closure of Federal waters as well as the proposed FMP.

*Response.* NMFS disagrees. The draft FMP does not state that the vessel that precipitated the closure of Federal waters had a 65,000 lb (29 mt) harvest capacity. Rather, the FMP reported that when the U.S. Coast Guard personnel boarded the vessel, they were informed by the vessel's crew that the vessel had about 54,000 lbs (24 mt) of shucked scallop meats on board. The point stressed in the proposed FMP and the preamble to the proposed rule to implement the FMP was that this level of catch on board the vessel exceeded the quota for the management area the vessel was operating in by over 100 percent.

*Comment 22.* The proposed FMP states that it is necessary to close the scallop fishery in Federal waters, because insufficient information is available to regulate the fishery. Yet, scientific literature (Hillborn and Walters, 1992) has shown that little information necessary for resource management can be obtained when the fishery is managed or regulated by extremely conservative strategies (e.g., an area closure). With this in mind, it may not be possible for NMFS to ever reopen Federal waters, if the opening depends upon a plan based on sound scientific information. The interim closure proposed under the FMP limits the collection of information necessary for sound resource management.

*Response.* NMFS disagrees. Also see response to Comment 10. The FMP does not authorize closure of Federal waters to fishing for scallops because insufficient information is available to regulate the fishery. Rather, the FMP implements an interim closure of Federal waters to prevent overfishing while a Federal management regime is prepared to authorize a controlled fishery for scallops. Until unregulated fishing activity of a single vessel precipitated closure of Federal waters, the scallop fishery was managed with the best information available and it will continue to be managed with the best information available once Federal waters reopen to fishing under a future amendment to the FMP.

The cited reference (Hillborn and Walters, 1992) reports that key resource assessment calculations heavily depend on data that can be gathered early in a fishery's development and that a data gathering program should be developed to collect information from subsequent phases of the fishery. If a fishery is left unregulated, species that form large aggregations are easy targets for exploitation and are susceptible to depletion and collapse. This pattern of exploitation and collapse has occurred repeatedly for a number of scallop stocks.

NMFS notes that although the importance of fishery data is clear, the single vessel fishing in the unregulated fishery for scallops in early 1995 carried no observer and did not report its catch to management agencies. As a result, catch information and other fishery data from this vessel are not included in the information base being developed to manage the Alaska scallop fishery. Although the interim closure of Federal waters temporarily limits the collection of fishery data, not implementing the FMP and allowing unregulated vessels to fish for scallops in Federal waters would not guarantee that fishery data

would be provided to management agencies.

*Comment 23.* Given the inadequacy of biological, social, and economic information to ascertain the status of the scallop stocks or the condition of the fishery, the available data do not support closure of Federal waters to fishing for scallops. If the FMP is implemented, NMFS will have to underwrite a large and expensive research program. If the research program has not yet begun, it will be a long time before a good FMP can be developed for the fishery.

*Response.* For the reasons described above, NMFS acknowledges that limited information on the Alaska scallop resource justifies a conservative approach to the management of this resource. This approach is based on the premise that uncertainty should lead to greater caution, not recklessness in the hope of short-term economic gain.

ADF&G has conducted resource assessments in Cook Inlet and intends to pursue a survey of part of the Prince William Sound stock this summer. An assessment of stock condition does not necessarily require expensive and long-term research. For example, observer data on catch, effort, and age composition could be analyzed to assess a stock's sustainability to exploitation. ADF&G plans to use these observer data in a geographic information systems analysis to provide a fishery-based assessment of stock status and productivity. NMFS is considering possible cooperative arrangements with the State of Alaska to make use of the information made available from ADF&G's assessment program.

*Comment 24.* The proposed FMP specifies an OY of 1.1 million lbs (499 mt), which equals the highest estimated harvest from Federal waters off Alaska. NMFS inappropriately based the proposed OY on historical landings because the landings have been sporadic, not indicative of a fully exploited resource, and regulated by quotas. In fact, historical landings reflect opportunities in other fisheries as well as those in the weathervane scallop fishery. Bourne (1991) argues that the resource tends to be exploited when opportunities in other fisheries are diminished. As a result, the landings series do not coincide with periods of full exploitation and the resulting guideline harvest ranges implemented by the State of Alaska and the proposed OY is likely to be artificially low.

*Response.* NMFS agrees that historical landings could have been affected as opportunities in other fisheries flourished or diminished. However, available data also support the premise

of management agencies that fluctuating landings in the Alaska scallop fishery are reflective of the reduced availability of scallops resulting from the pulse nature of the fishery and the "boom and bust" cycles of resource abundance. Furthermore, the State of Alaska only recently (1993) implemented quotas for the Alaska scallop fishery. Prior to this time, scallop harvests were regulated only with gear restrictions, area closures, and fishing seasons. Last, analyses upon which ADF&G's guideline harvest ranges are based do not include very high or very low annual harvests to dampen the effect of annual variation on the calculation of sustainable yield estimates.

*Comment 25.* Using information contained in the draft FMP and a simple analysis of landings and number of trips using a surplus production model of the form of Schaefer (1957) indicates that the MSY for weathervane scallops off Alaska is approximately 6.3 million lbs (2,857 mt) of meats. The model is statistically significant, although the coefficient for the effort squared, measured by number of landings, is not statistically significant. This estimate is based on the best scientific information available—landings and number of trips over time. If the number of vessels is used instead of number of landings, the MSY is estimated to equal 1.3 million lbs (590 mt) of meats.

*Response.* The Schaefer model for estimating surplus production and MSY has been considered invalid since the 1960's (Larkin 1977). Furthermore, neither the number of landings nor the number of vessels are adequate variables to use because scallop vessel size and capacity has changed greatly over the past 20 years. Similarly, vessels have gone from a part-time engagement in the Alaska scallop fishery to full-time participation. Thus the vessels used to participate in the scallop fishery in the late 1960's and 1970's cannot be compared to the 15–17 vessels currently participating in the fishery because their levels of participation are not comparable. Even if the Schaefer model were appropriate, NMFS would seriously question the commenter's preferred alternative of using the highest MSY estimate of 6.3 million lbs (2,857 mt), instead of a more conservative amount, given the wide range (1.3 million–6.3 million lbs (590 mt–2,857 mt) calculated from the commenter's efforts, and the uncertainty of the data used by the commenter.

*Comment 26.* The proposed FMP states that a major reason for the interim closure and a Federal FMP is to prevent the "boom and bust" syndrome historically exhibited by other scallop

fisheries. There is absolutely no evidence that a "boom and bust" fishery is bad. In fact, many U.S. fisheries, particularly shellfish fisheries, exhibit cyclic patterns in resource abundance and fishing activity. A good example of this is the Calico scallop (*Argopecten gibbus*) fishery in the State of Florida. Moreover, pulse-fishing is a strategy often adopted by fishermen to maximize net returns over time. In general, management strategies have not been able to prevent "boom and bust" episodes in fisheries that are naturally cyclic.

*Response.* The Calico scallop fishery is a poor example for justifying a "boom and bust" fishery for weathervane scallops off Alaska. Contrary to the long-lived weathervane scallop, the Calico scallop has a short life span (less than 2 years). Species of short life span typically are less vulnerable to overfishing, unlike weathervane scallops, which have a long life span and are more susceptible to recruitment overfishing. Published literature cites many examples where a relatively brief intense period of fishery exploitation has resulted in stock collapse (see response to Comment 9).

Under the proposed FMP, as well as the State of Alaska management program, harvest constraints will have some effect in dampening the natural fluctuations in resource abundance. A constant supply of scallops would also dampen economic impacts on the weathervane scallop industry relative to the cyclic abundance pattern that can wreak havoc on established markets.

*Comment 27.* Under the proposed FMP, there will be unprecedented scallop fishing effort by vessels in State waters because Federal waters will be closed. Evidence exists that the State will allow increased harvest levels in State waters in response to the closure. Therefore, the likelihood exists that fishing activity in State waters will be unprecedented unless controlled by strict harvest quotas. Thus, the same argument used to close Federal waters will have to be used to close State waters to the harvesting of weathervane scallop fishing. The only way to guarantee that the risk of recruitment failure or growth overfishing will be minimal is to close the entire weathervane scallop fishery.

*Response.* Under the proposed FMP, as well as the State of Alaska management program, harvest constraints will help dampen the natural fluctuations in resource abundance, will better prevent recruitment overfishing, and will promote sustainable and predictable fishery-related employment on a

continuing basis. A constant supply of scallops would also dampen the adverse economic impacts on markets that could be caused by erratic or cyclic patterns of scallop abundance.

The State of Alaska opened only limited areas in State waters to fishing for scallops under quotas that will protect scallop stocks within State waters from any increase in fishing effort that may occur because of the closure of Federal waters. For the 1995 fishing season, only the State waters of the Dutch Harbor and Adak areas opened to scallop fishing as scheduled on July 1. Available fishing grounds are extremely limited and harvest amounts are not expected to be significant. The harvests in these areas from the 1993 and 1994 seasons were only 40,000 lbs (18 mt) and 2,000 lbs (0.9 mt), respectively. Furthermore, scallop harvests and crab bycatch rates will be assessed in-season to guide management decisions and inseason closures.

**Comment 28.** The proposed FMP states that weathervane scallops possess biological traits (e.g., longevity, low natural mortality rates, and variable recruitment) that render them vulnerable to overfishing. It is not clear why these traits would render scallops vulnerable to overfishing. In fact, the trait of variable recruitment is a trait that can result in resource restoration.

**Response.** Resource restoration is a factor of numerous variables, including recruitment and natural mortality (M). A number of biological reference points is widely accepted for the management of fishery resources. One of these points is fishing mortality (F) at a level that equals natural mortality (M). If a stock exhibits low M, then chances increase that an unknown F is actually greater than M. Lacking more definitive information, another basic premise of traditional fishery management is that species of large size, longevity, and low natural mortality tend to be vulnerable to overharvest (Adams 1980; Leaman 1991). Moreover, published literature (Murphy 1967) shows that species that reproduce at multiple ages with variable reproductive success are very vulnerable to overharvest when fishing alters the age structure such that the population approaches a single reproduction. In the case of scallops, fishing-induced shifts in age structure to ages 2–6, as occurred in the early 1970s, reduce the stock's ability to maintain itself under periods of poor recruitment.

**Comment 29.** Management alternatives exist to a closure of Federal waters to fishing for scallops. For example, NMFS could impose a quota of 1.1 million lbs (499 mt) in Federal waters and require an observer aboard

every vessel. When the quota will be reached, NMFS could close the fishery. Concerns about a derby-style fishery could be addressed through daily or weekly quotas or vessel specific quotas or allocations.

**Response.** NMFS disagrees with the commenter's approach. NMFS does not at this time have information to justify how the harvest of a particular quota (e.g., 1.1 million lbs) should be spread among potential management areas to prevent localized depletion of scallops. If a single harvest amount were specified and allowed to be fished without this information, scallop stocks could be adversely impacted. Requiring an observer on board every vessel would not ameliorate this situation. The Council is in the process of preparing an amendment to the FMP that would establish a Federal management regime authorizing a controlled fishery for scallops in Federal waters as soon as possible. In addition to quotas and levels of observer coverage, the Council will likely consider measures such as area closures and prohibited species bycatch allowances to protect other fish species (e.g. crabs). Also, the Council will likely consider measures necessary for inseason management of the scallop fishery (e.g., gear configurations, crew sizes, recordkeeping and reporting requirements). The Council will consider carefully each of these measures as to whether it is necessary for conservation and management of the scallop fishery. Public comments will be invited, responded to, and if necessary, adjustments to particular management measures might be developed. Once the Council recommends its preferred alternative for each particular measure, NMFS will determine whether it comports with the national standards and other applicable laws, and decide whether to approve it. This process, although lengthy, is essential to provide a rational regime that responds to NMFS's responsibilities under the Magnuson Act to conserve and manage the scallop fishery off Alaska.

**Comment 30.** In recent years, the catch capacity and capitalization in the Alaska scallop fishery has become excessive due to speculative entry. The result has been severe financial pressure on fishery participants. The only way to reduce this pressure is to reduce excessive capacity to a rational level. The management of this fishery must proceed as soon as possible towards a comprehensive system that will optimize the fleet at a more rational level.

**Response.** NMFS agrees. See response to Comment 29.

## Literature References

- Adams, P.B. 1980. Life history patterns in marine fishes and their consequences for fisheries management. *Fish. Bull.* 78: 1–12.
- Aschan, M.M. 1991. Effects of Iceland scallop dredging on benthic communities in the Northeast Atlantic. Special international workshop on the effects of physical disturbance on the sea floor on benthic and epibenthic ecosystems. Conseil International pour L'Exploration de la Mer. Benthos Working Group. Unpublished Manuscript.
- Bourne, N. 1991. Fisheries and Aquaculture: West Coast of North America, p. 925–942. In: S.E. Shumway (ed.). *Scallops: Biology, Ecology, and Aquaculture*. Elsevier, Amsterdam.
- Hillborn, R. and C.J. Walters. 1992. Quantitative fisheries stock assessment: Choice, dynamics and uncertainty. Chapman and Hall. New York.
- Larkin, P.A. 1977. An epitaph for the concept of maximum sustainable yield. *Trans. Amer. Fish. Soc.* 106: 1–11.
- Leaman, B.M. 1991. Reproductive styles and life history variables relative to exploitation and management of *Sebastes* stocks. *Environmental Biology of Fishes* 30:253–271.
- MacDonald, B.A., and N.F. Bourne. 1987. Growth, reproductive output, and energy partitioning in weathervane scallops, *Patinopecten caurinus*, from British Columbia. *Can. J. Fish. Aquat. Sci.* 44: 152–160.
- Murphy, G.I. 1967. Vital statistics of the Pacific sardine (*Sardinops caerulea*) and the population consequences. *Ecology* 48:731–736.
- Orensanz, J.M. 1986. Size, environment, and density: the regulation of a scallop stock and its management implications. Pages 195–227 in G.S. Jamieson and N. Bourne, editors. North Pacific workshop on stock assessment and management of invertebrates. Canadian Special Publication of Fisheries and Aquatic Sciences 92.
- Schaefer, M.B. 1957. A study of the dynamics of the fishery for yellowfin tuna in the eastern tropical Pacific Ocean. *Inter-Am. Trop. Tuna Comm. Bull.* 2: 247–268.
- Shirley, S.M. and G.H. Kruse. 1995. Development of the fishery for weathervane scallops, *Patinopecten caurinus* (Gould, 1850) in Alaska. *Journal of Shellfish Research* 14: 71–78.
- Young, P.C. and R.B. Martin. 1989. The scallop fisheries of Australia and their management. *Reviews in Aquatic Science* 1: 615–638.



**Classification**

The Director, Alaska Region, NMFS, determined that the FMP is necessary for the conservation and management of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area fisheries and that it is consistent with the Magnuson Act and other applicable laws.

NMFS prepared an FRFA as part of the RIR. A copy of this analysis is available from the Council (see ADDRESSES).

To avoid a regulatory hiatus when the February 23, 1995, emergency rule expires and to address conservation concerns resulting from uncontrolled fishing for scallops, this rule must be effective on 12:01 a.m., A.l.t., August 29, 1995. In addition, because this rule will continue the emergency rule's prohibition on fishing for scallops, the fishing industry will not need any additional time to adjust to the requirements imposed by this rule. These reasons constitute good cause under authority contained in 5 U.S.C. 553(d)(3) for waiving all or part of the 30-day delay in effective date.

This rule has been determined to be not significant for purposes of E.O. 12866.

**List of Subjects in 50 CFR Part 673**

Fisheries.

Dated: August 8, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 673 is added as follows:

1. Part 673 is added to Chapter VI of 50 CFR to read as follows:

**PART 673—SCALLOP FISHERY OFF ALASKA****Sec.**

- 673.1 Purpose and scope.
- 673.2 Definitions.
- 673.3 Prohibitions.

**Authority:** 16 U.S.C. 1801 *et seq.*

**§ 673.1 Purpose and scope.**

(a) These regulations implement Federal authority under the Magnuson

Act to manage the scallop fishery in the exclusive economic zone off Alaska.

(b) Regulations in this part govern commercial fishing for scallops in the exclusive economic zone off Alaska.

**§ 673.2 Definitions.**

In addition to the definitions in the Magnuson Act and in 50 CFR part 620, the terms in 50 CFR part 673 have the following meanings:

*Exclusive Economic Zone (EEZ)* (see § 620.2 of this chapter)

*Scallop(s)* means any species of the family Pectinidae, including without limitation weathervane scallops (*Patinopecten caurinus*).

**§ 673.3 Prohibitions.**

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to retain any scallops in the EEZ seaward of Alaska during the period that extends through the earlier of August 28, 1996, or until superseded by other management measures.

[FR Doc. 95-19971 Filed 8-10-95; 1:12 pm]

**BILLING CODE 3510-22-F**

# Proposed Rules

Federal Register

Vol. 60, No. 157

Tuesday, August 15, 1995

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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 60, 72, 73, and 75

RIN: 3150-AF32

### Safeguards for Spent Nuclear Fuel or High-Level Radioactive Waste

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This rule would allow general licensees the option of implementing the proposed safeguards requirements for spent nuclear fuel stored in approved casks at operating power reactor sites. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

**DATES:** Comment period expires November 13, 1995. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be submitted to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attn: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or

later), by calling the NRC Electronic Bulletin Board (BBS) on FEDWORLD. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board.

The NRC rulemaking subsystem on FEDWORLD can be accessed directly by dialing the toll free number: 1-800-303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FEDWORLD consult the "Help-Information Center" from the "NRC Main Menu." Users will find the "FEDWORLD Online User's Guides" particularly helpful. Many NRC subsystems and databases also have a "Help-Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FEDWORLD also can be accessed by a direct dial phone number for the main FEDWORLD BBS: 703-321-3339. If you access NRC this way, then you may return to FEDWORLD by selecting the "Return to FEDWORLD" option from the NRC Online Main Menu. However, if you access NRC at FEDWORLD by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FEDWORLD system. For more information on NRC bulletin boards contact Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for rulemaking as indicated above under the **ADDRESSES** heading.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Telford (301) 415-6229 or e-mail JLT@nrc.gov, or Dr. Sandra D. Frattali

(301) 415-6261 or e-mail SDF@nrc.gov, Office of Nuclear Regulatory Research, or Ms. Priscilla A. Dwyer (301) 415-8110 or e-mail PAD@nrc.gov, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

## SUPPLEMENTARY INFORMATION:

### Background

The Commission's regulations addressing the storage of spent nuclear fuel and high-level radioactive waste (HLW), 10 CFR part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," refer the applicant or licensee to " \* \* \* applicable requirements of part 73 \* \* \*" for requirements for physical protection. However, part 73 does not identify any safeguards requirements that are specific to the storage of spent nuclear fuel or HLW. In practice, the NRC has imposed specific safeguards requirements on affected facilities through license conditions using selected portions of 10 CFR 73.50 and 73.55 and interim licensing criteria as guidance.

The Commission's regulations for disposal of spent nuclear fuel or HLW by DOE at a geologic repository operations area (GROA) take a different approach. Instead of specifying applicable requirements to protect the common defense and security, they call for DOE to certify that it will provide " \* \* \* such safeguards as it requires at comparable surface facilities \* \* \*" of DOE. They also require DOE to describe a physical security plan for protection against radiological sabotage, but the contents of that plan are not specified.

The only physical protection requirements in NRC regulations that are specific to the storage of spent nuclear fuel are those that apply to spent nuclear fuel stored in certified casks under a general license at operating nuclear power reactors. These requirements are found in § 72.212(b)(5).

The Commission is proposing regulations to codify existing practice for the safeguarding of stored spent nuclear fuel or HLW. The proposed amendments would provide a set of physical protection and material control and accounting requirements directed at the storage of spent nuclear fuel or HLW, whether at an independent spent

fuel storage installation (ISFSI), a monitored retrievable storage installation (MRS), a power reactor that has permanently ceased reactor operations, or a geological repository. In addition, these proposed amendments are consistent with safeguards requirements for spent nuclear fuel storage under a general license at operating power reactors. Because the proposed amendments codify the existing regulatory practice there would not be any additional burden placed upon current licensees.

These amendments would make minor changes to existing regulatory language to clarify the meaning of the requirements. These amendments would also make the requirements of 10 CFR part 75 (pertaining to international safeguards) applicable to the GROA. This change is needed because the Terms of Reference, dated August 1, 1994, for the Subgroup on IAEA Safeguards in the U.S., part of the Subcommittee on International Safeguards and Monitoring of the IAEA Steering Committee, states that NRC shall be the U.S. agency responsible for maintaining necessary regulations for implementing the US-IAEA Safeguards Agreement at NRC licensed or certified facilities, including the promulgation of regulations, incorporation of appropriate amendments in NRC licenses, and the issuance of such orders as may be necessary to assure compliance. These Terms of Reference regarding the agreement between the U.S. and the IAEA are available for inspection in the NRC's public document room.

These proposed amendments do not require specific protection against the malevolent use of a vehicle. As stated in the final rule "Protection Against Malevolent Use of Vehicles at Nuclear Power Plants" (59 FR 38889, August 1, 1994), the NRC staff, with contractor assistance, is studying this issue and attempting to quantify the consequences of a vehicle bomb detonated in the vicinity of an ISFSI. The results of this study will assist the staff in making a determination as to whether vehicle bomb protection is needed for ISFSIs. Also, if any significant safety issues are identified in this study, those issues would be resolved by an appropriate regulatory action, which could include rulemaking. In the interim, the staff believes that the inherent nature of the spent nuclear fuel or HLW, along with the degree of protection provided by the approved storage means, provides adequate protection against the malevolent use of a vehicle.

### Regulatory Approach

The proposed requirements would amend 10 CFR parts 60, 72, 73, and 75. For part 60, the Commission is proposing that the regulatory approach for safeguarding a GROA be the same as that which applies to spent nuclear fuel storage facilities licensed under part 72. The basic reason for this proposal is that the GROA operations, at least insofar as they are expected to be conducted in surface facilities, appear to present the same kinds of potential risks that are characteristic of the storage of spent nuclear fuel. And the safeguards that would thus be required are deemed to be sufficient as well to protect against acts affecting the underground facility that might be inimical to the common defense and security. This regulatory approach is predicated on maintaining the physical integrity of the spent nuclear fuel rods. If their physical integrity is not maintained, additional license conditions might be found to be necessary and would then be incorporated in the license.

The current proposal represents a departure from the Commission's prior position, as explained in the statement of considerations accompanying its promulgation of 10 CFR part 60 (46 FR 13971, 13975, February 25, 1981). The prior view was that "DOE, as a Federal agency operating under the Atomic Energy Act, has its own obligation to promote the common defense and security. Indeed, DOE is responsible under the Atomic Energy Act for protection of materials and facilities far more sensitive from a safeguards standpoint than nuclear waste materials in a geologic repository. Therefore, the rule provides that a DOE certification that its repository operations area safeguards are equal to those at comparable DOE surface facilities shall constitute a rebuttable presumption on the question of inimicality to the common defense and security."

Implementation of the current rule has proved to be difficult for two reasons. The first has been the identification of DOE surface facilities that are "comparable," so that the protective measures are neither too burdensome nor too lax. The second reason concerns the indefiniteness of the "rebuttable presumption" language. Neither DOE nor the NRC staff nor any other potential party can be certain about the level of detail that might be necessary to support the certification or to rebut the presumption of noninimicality. It appears likely to the Commission that the specification of reasonable safeguards requirements, as it is here proposing, will enable DOE to

discharge its common defense and security obligations more efficiently than would be the case under the existing language. And there would be the added benefit of ensuring that similar operations (i.e., at a GROA as well as at spent nuclear fuel storage facilities) are addressed in a consistent manner. Moreover, by defining the requirements more clearly in advance of the submission of a license application, opportunities for timely public review and comment may be enhanced.

The proposed amendments would replace existing § 60.21(b)(3) with a requirement for DOE to submit a detailed plan to provide physical protection for the storage of HLW at a GROA in accordance with a new § 73.51. Also, the proposed amendment would replace existing § 60.21(b)(4) with a requirement for DOE to comply with a new § 60.78, which requires DOE to provide a description of a program to meet the requirements of existing §§ 72.72, 72.74, 72.76, and 72.78. The rationale for these changes is, as discussed above, to ensure that the safeguards for similar facilities are addressed in a consistent manner. In addition, because these specific requirements are being provided, the general requirement for DOE to provide "\* \* \* such safeguards as it requires at comparable surface facilities \* \* \*" would also be removed from §§ 60.31, 60.41, and 72.24(o), because it would not be needed. Also, all of the requirements of § 73.51 would be applicable to surface operations including the entry points to the underground facility, and the earth cover together with the remoteness of the facility would provide additional protection of the public against a significant offsite release from the underground facility. Therefore, only the more general performance objectives set out in paragraph 73.51(b) would be applicable to the underground facility. Surveillance and detection measures would be required for surface operations and access would be controlled at entry points to the underground facility; within the underground facility itself, however, no further measures would need to be implemented for purposes of this regulation.

An additional revision to Part 60 relates to the nuclear material control and accounting program that is referred to in § 60.21(c)(10). To the extent that this program relates to safeguards issues, it is more properly addressed as "general information" under § 60.21(b) rather than as part of the Safety Analysis Report under § 60.21(c). The proposed rule will accomplish this. However, existing § 60.21(c)(10) has a broader

purpose that does implicate safety issues. There is a need for DOE to describe the materials inventory and recordkeeping program that is designed to assure protection of public health and safety during operations of the GROA and after permanent closure. Such information is important, for example, for purposes of performance confirmation, potential retrieval, and archival documentation. Section 60.21(c) would accordingly be revised to reflect this focus.

The proposed amendment to § 72.180 would provide requirements for the storage of spent nuclear fuel or HLW under a specific license by referring applicants to the same new section, § 73.51. The proposed amendment to § 72.212 would allow the licensee or applicant the option of either using § 73.51 for the storage of spent nuclear fuel under a general license or continuing to use § 73.55 with the additional conditions and exceptions provided in § 72.212(b)(5).

In licensing the storage of spent nuclear fuel or HLW at an ISFSI or a power reactor that has permanently ceased reactor operations, the NRC staff has had to sort through the many safeguards requirements of Part 73 to choose appropriate safeguards requirements, and impose those requirements through license conditions. As a result of this experience, however, a set of principles has evolved that reflects both the nature of potential threats and the hazardous radioactive characteristics of the materials. Accordingly, the proposed amendments in § 73.51 would codify safeguards requirements currently imposed on spent nuclear fuel storage licensees and would provide a consistent set of requirements for future licensing. Specifically, this new section would have the objective of ensuring that the following basic physical protection performance capabilities are met:

- (1) Spent nuclear fuel or HLW is stored only within a protected area;
- (2) Only authorized individuals are granted access to the protected area;
- (3) Unauthorized penetrations of or activities within the protected area are detected and assessed;
- (4) Communication with a designated response force, whenever necessary, is conducted in a timely fashion; and
- (5) The physical security organization is managed properly.

These amendments would not apply to spent nuclear fuel storage pools at operating nuclear power plants. In addition, because these proposed safeguards requirements would codify the existing regulatory practice, there

would not be any additional burden placed on current licensees. Further, the industry would benefit from a reduction of current regulatory uncertainties. The public would benefit from a greater level of assurance that appropriate safeguards requirements are being imposed on spent nuclear fuel and HLW storage licensees through public review and comment on the proposed rule. The DOE would benefit from the proposed amendments by having a clear statement of the safeguards measures the Commission plans to require at the GROA. Also, NRC would benefit as a result of a more efficient licensing process.

In addition, the current reporting requirements in § 73.71 would be amended to specifically include facilities that are subject to this rulemaking. However, because the amended reporting requirements are equivalent to current practice, no additional burden will be placed on current licensees as a result of these amended reporting requirements.

#### Specific Considerations

Comments with supporting rationale are particularly requested on the following questions:

1. Would the proposed amendments impose any significant additional costs for safeguards of currently stored spent nuclear fuel beyond what is now incurred for that purpose?
2. Is there reason to expect the costs to future licensees to differ substantially from those of current licensees?
3. Are the cost estimates in Table III of the Draft Regulatory Analysis representative of current industry experience? Are there significant costs that have not been included in the table?
4. Are the costs justified by the benefits that would be afforded by the proposed amendments? Are there alternatives that would afford essentially the same benefits, but be more cost effective?
5. Are the proposed amendments in 10 CFR 73.51 appropriate for an MRS or geologic repository operated by the U.S. Department of Energy?

#### Criminal Penalties

The Commission notes that these proposed amendments are issued under Sections 161b and i of the Atomic Energy Act of 1954, as amended. Therefore, violation of these regulations may subject a person to criminal sanctions under Section 223 of the Atomic Energy Act.

#### Environmental Impact: Categorical Exclusion

The Commission has determined that this regulation is the type of action described as a categorical exclusion in 10 CFR 51.22 (c)(3)(i) and (iii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

#### Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement that is subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0002, -0127, and -0132.

Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to the Information and Records Management Branch (T6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, (3150-0132), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

#### Regulatory Analysis

The Commission has prepared a draft regulatory analysis for this proposed rule. The draft analysis examines the benefits and impacts of the alternatives considered by the Commission. The draft regulatory analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Dr. Sandra D. Frattali, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The draft regulatory analysis also is available for viewing and downloading from the NRC's rulemaking bulletin board as discussed above under ADDRESSES.

#### Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This proposed rule would affect operators of ISFSIs, power reactors that have permanently ceased operation, and DOE as the operator of the MRS and GROA. The affected licensees do not fall within the scope of the definition of "small entities" set forth in Section 601(3) of

the Regulatory Flexibility Act, or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act, 13 CFR part 121.

#### Backfit Analysis

The Commission has determined that the backfit rule in 10 CFR 50.109 does not apply to this proposed rule because these proposed amendments do not impose new requirements on existing 10 CFR Part 50 licensees. Also, the backfitting requirements in 10 CFR 72.62 do not apply because these proposed amendments neither impose new requirements nor modify procedures or organizations of currently licensed ISFSIs. Therefore, a backfit analysis was not prepared for this proposed rule.

#### List of Subjects

##### 10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

##### 10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

##### 10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Export, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

##### 10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the Commission is proposing to adopt the following amendments to 10 CFR Parts 60, 72, 73, and 75.

#### PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

1. The authority citation for part 60 continues to read as follows:

**Authority:** Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071,

2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141) and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

2. In § 60.21, paragraphs (b)(3), (b)(4), and (c)(10) are revised to read as follows:

##### § 60.21 Content of application.

\* \* \* \* \*

(b) \* \* \*

(3) A detailed plan to provide physical protection of high-level radioactive waste in accordance with § 73.51 of this chapter. This plan must include the design for physical protection, the licensee's safeguards contingency plan, and security organization personnel training and qualification plan. The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

(4) A description of the program to meet the requirements of § 60.78.

\* \* \* \* \*

(c) \* \* \*

(10) A description of the program to be used to maintain the records described in §§ 60.71 and 60.72.

\* \* \* \* \*

3. In § 60.31, paragraph (b) is revised to read as follows:

##### § 60.31 Construction authorization.

\* \* \* \* \*

(b) *Common defense and security.*

That there is reasonable assurance that the activities proposed in the application will not be inimical to the common defense and security.

\* \* \* \* \*

4. In § 60.41, paragraph (c) is revised to read as follows:

##### § 60.41 Standards for issuance of a license.

\* \* \* \* \*

(c) The issuance of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public.

\* \* \* \* \*

5. A new § 60.78 is added to read as follows:

##### § 60.78 Material control and accounting records and reports.

DOE shall implement a program of material control and accounting (and accidental criticality reporting) that is the same as that specified in §§ 72.72, 72.74, 72.76, 72.78 of this chapter.

#### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

6. The authority citation for part 72 continues to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148 (c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168 (c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

7. In § 72.24, paragraph (o) is revised to read as follows:

##### § 72.24 Contents of application: Technical information.

\* \* \* \* \*

(o) A description of the detailed security measures for physical protection, including design features and the plans required by Subpart H. For an application from DOE for an ISFSI or MRS, DOE will provide a description of the physical security plan for protection against radiological sabotage as required by subpart H of this part.

\* \* \* \* \*

8. Section 72.180 is revised to read as follows:

##### § 72.180 Physical security plan.

The licensee shall establish, maintain, and follow a detailed plan for physical protection as described in § 73.51 of this chapter. The licensee shall retain a copy of the current plan as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the plan is superseded, retain the superseded

material for 3 years after each change or until termination of the license. This plan must describe how the applicant will meet the requirements of § 73.51 of this chapter and provide physical protection during on-site transportation to and from the proposed ISFSI or MRS including the design for physical protection, the licensee's safeguards contingency plan, and the security organization personnel training and qualification plan. The plan must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

9. In § 72.212, paragraph (b)(1)(iv) is added and (b)(5) is revised to read as follows:

**§ 72.212 Conditions of general license issued under § 72.210.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) Notify the NRC as to whether they will implement § 73.51 or of this chapter their approved physical security plan pursuant to § 73.55 of this chapter. If a licensee implements § 73.51 of this chapter, its approved physical security plan must be modified to clearly indicate that § 73.51 of this chapter will be followed for safeguarding spent nuclear fuel. For those persons who have not begun use of the general license, this notice must be included in the 90-day letter required by paragraph (b)(1)(i) of this section. For those persons who have begun use of the general license, this notice must be provided no later than 30 days after implementation of § 73.51 of this chapter to the appropriate Nuclear Regulatory Commission regional office listed in Appendix D to part 20 of this chapter.

\* \* \* \* \*

(5) Protect the spent nuclear fuel against the design basis threat of radiological sabotage in accordance with either § 73.51 of this chapter or the same provisions and requirements as are set forth in the licensee's physical security plan pursuant to § 73.55 of this chapter with the following additional conditions and exceptions.

\* \* \* \* \*

**PART 73— PHYSICAL PROTECTION OF PLANTS AND MATERIALS**

10. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

11. In § 73.1, paragraph (b)(6) is revised to read as follows:

**§ 73.1 Purpose and scope.**

\* \* \* \* \*

(b) \* \* \*

(6) This part prescribes requirements for the physical protection of spent nuclear fuel or high-level radioactive waste stored in either an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) licensed under part 72 of this chapter, or stored at the geologic repository operations area licensed under part 60 of this chapter.

\* \* \* \* \*

12. The introductory text of § 73.50 is revised to read as follows:

**§ 73.50 Requirements for physical protection of licensed activities.**

Each licensee who is not subject to § 73.51, but who possesses, uses, or stores formula quantities of strategic special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding other than at a nuclear reactor facility licensed pursuant to Part 50 of this chapter shall comply with the following:

\* \* \* \* \*

13. A new § 73.51 is added to read as follows:

**§ 73.51 Requirements for the physical protection of stored spent nuclear fuel or high-level radioactive waste.**

(a) *Applicability.* Notwithstanding the provisions of §§ 73.20, 73.50, or 73.67, the physical protection requirements of this section apply to each licensee who stores:

(1) Spent nuclear fuel or high-level radioactive waste (HLW) under a specific license issued pursuant to Part 72 of this chapter:

(i) At an independent spent fuel storage installation (ISFSI);

(ii) At a monitored retrievable storage (MRS) installation; or

(iii) At a nuclear power reactor that has permanently ceased reactor operations licensed pursuant to Part 50 of this chapter;

(2) Spent nuclear fuel or HLW at a geologic repository operations area (GROA) licensed pursuant to Part 60 of this chapter; or

(3) Spent nuclear fuel under a general license issued pursuant to Part 72 of this chapter and has exercised the option provided by § 72.212(b)(5) of this chapter to use the provisions of § 73.51 for the physical protection of spent nuclear fuel.

(b) *General performance objectives.*

(1) Each licensee subject to this section shall establish and maintain a physical protection system with the objective of providing high assurance that activities involving special nuclear material do not constitute an unreasonable risk to the public health and safety.

(2) To meet the general objective of paragraph (b)(1) of this section, each licensee subject to this section shall meet the following performance capabilities:

(i) Store spent nuclear fuel or HLW only within a protected area;

(ii) Grant access to the protected area only to individuals who are authorized to enter the protected area;

(iii) Detect and assess unauthorized penetration of or activities within the protected area;

(iv) Provide timely communication to a designated response force whenever the response force is called upon to act; and

(v) Manage the physical security organization in a manner that maintains its effectiveness.

(3) The physical protection system must be designed to protect against radiological sabotage.

(c) *Plan retention.* Each licensee subject to this section shall retain a copy of the effective physical protection plan as a record for 3 years or until termination of the license for which the procedures were developed. Copies of superseded material must be retained for 3 years after each change or until termination of the license.

(d) *Physical protection systems, subsystems, components, and procedures.* To meet the performance capabilities of paragraph (b)(2) of this section, a physical protection system must include, but is not necessarily limited to, the measures specified in paragraphs (d)(1) through (d)(14) of this section. The Commission may require alternate or additional measures necessary to meet the performance objectives of paragraph (b)(1) of this section. The Commission may also authorize other necessary protection measures.

(1) Spent nuclear fuel or HLW must be stored only within a protected area so that access to this material requires passage through or penetration of two physical barriers, one barrier at the perimeter of the protected area and one

barrier offering substantial penetration resistance. The physical barrier at the perimeter of the protected area must be as defined in § 73.2. Isolation zones, typically 20 feet wide each, on both sides of this barrier must be provided to facilitate assessment. The barrier offering substantial resistance to penetration may be provided by an approved storage cask or building walls such as those of a reactor or fuel storage building. Other suitable measures to provide the barrier may be acceptable, if approved by the NRC on a case by case basis.

(2) A means of illumination must be provided sufficient to permit assessment of unauthorized penetration of or activities within the protected area and associated isolation zones.

(3) The perimeter of the protected area must be subject to continual surveillance and be protected by an intrusion detection system with provisions for redundant monitoring of the system. The detection and surveillance systems must be monitored in a continuously staffed alarm station, not necessarily located within the protected area, and in one redundant location.

(4) The protected area must be monitored by random patrols of a frequency not less than once every 8 hours.

(5) A security organization, with written procedures, must be established. The security organization must include a minimum of two watchmen per shift to provide for monitoring of detection and surveillance systems and for communications with a designated response force or local law enforcement agencies (LLEA) in the event of detection of unauthorized penetration or activities. Members of the security organization shall be trained, equipped, and qualified in accordance with the applicable provisions of appendix B to this part.

(6) Documented liaison with a designated response force or LLEA must be established to permit response to unauthorized penetration or activities.

(7) Screening must be conducted before granting an individual unescorted access to the protected area to obtain information on which to base a decision to permit such access. Screening should typically include a criminal history check, a previous employment check, and two personal reference checks.

(8) A controlled personnel identification and lock system must be established and maintained to limit access to the protected area to individuals authorized unescorted

access or escorted individuals who have been approved for such access.

(9) All escorted individuals to the protected area must be under the constant escort of an individual who has been authorized unescorted access to the protected area.

(10) Redundant communications capability must be provided between the security organization and designated response force or LLEA.

(11) All individuals, vehicles, and hand-carried packages entering the protected area must be checked for proper authorization and searched for explosives before entry.

(12) Written response procedures must be established and maintained for addressing unauthorized penetration of or activities within the protected area including Category 5, Procedures, of appendix C to part 73. The licensee shall retain a copy of the response procedures as a record for 3 years or until termination of the license for which the procedures were developed. Copies of superseded material must be retained for 3 years after each change or until termination of the license.

(13) All detection and surveillance systems and supporting subsystems must be tamper-indicating with line supervision and be maintained in operable condition. Compensatory measures must be taken during periods of inoperability.

(14) The security program must be reviewed once every 24 months by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The security program review must include an evaluation of the effectiveness of the physical security system and a verification of the liaison established with the designated response force or LLEA.

(15) The following documentation must be retained as a record for 3 years after the record is made or until termination of the license. Duplicate records to those required under § 73.71 need not be retained under the requirements of this section:

(i) A log of individuals granted access to the protected area;

(ii) Screening records of individuals granted unescorted access to the protected area;

(iii) A log of routine patrols;

(iv) A record of each alarm received identifying the type of alarm, location, date and time when received, and disposition of the alarm; and

(v) The security program review reports.

(e) *Exception.* The physical protection system for the underground facility of a

geologic repository operations area must meet the performance capabilities of paragraph (b) of this section, but need not include the specific measures set out in paragraph (d) of this section provided that access is controlled at the underground facility entry points.

14. In § 73.71, paragraphs (b)(1) and (c)(1) are revised to read as follows:

#### **§ 73.71 Reporting of safeguards events.**

\* \* \* \* \*

(b)(1) Each licensee subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, 73.60, or 73.67 shall notify the NRC Operations Center within 1 hour of discovery of the safeguards events described in paragraph I(a)(1) of appendix G to this part. Licensees subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, 73.60, or each licensee possessing strategic special nuclear material (SSNM) and subject to § 73.67(d) shall notify the NRC Operations Center within 1 hour after the discovery of the safeguards events described in paragraphs I(a)(2), (a)(3), (b), and (c) of appendix G to this part. Licensees subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, or 73.60 shall notify the NRC Operations Center within 1 hour after discovery of the safeguards events described in paragraph I(d) of appendix G to this part.

\* \* \* \* \*

(c)(1) Each licensee subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, 73.60, or each licensee possessing SSNM and subject to the provisions of § 73.67(d) shall maintain a current log and record the safeguards events described in paragraphs II (a) and (b) of appendix G to this part within 24 hours of discovery by a licensee employee or member of the licensee's contract security organization. The licensee shall retain the log of events recorded under this section as a record for 3 years after the last entry is made in each log or until termination of the license.

\* \* \* \* \*

#### **PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT**

15. The authority citation for part 75 continues to read as follows:

**Authority:** Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

16. In § 75.4, paragraph (k)(5) is revised to read as follows:

**§ 75.4 Definitions.**

\* \* \* \*

(k) \* \* \*

(5) Any location where the possession of more than one effective kilogram of nuclear material is licensed pursuant to parts 40, 60, or 70 of this chapter, or pursuant to an Agreement State license.

\* \* \* \*

Dated at Rockville, Maryland, this 8th day of August, 1995.

For the Nuclear Regulatory Commission.

**Andrew L. Bates,**

*Acting Secretary of the Commission.*

[FR Doc. 95-20035 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

#### RIN 1018-AD42

### **Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996–1997 Subsistence Taking of Fish and Wildlife Regulations**

**AGENCY:** Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would revise the customary and traditional use determinations and establish regulations for seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses during the 1996–1997 regulatory year. This rule making is necessary because Subpart D regulations require annual public review, and the customary and traditional use determinations are being opened to the same annual regulatory revision process. When final, this rule making will replace hunting and trapping regulations in “Subsistence Management Regulations for Public Lands in Alaska, Subpart D—1995–1996 Subsistence Taking of Fish and Wildlife Regulations,” which expire on June 30, 1996.

**DATES:** Written public comments and proposals to change this proposed rule must be received no later than October 27, 1995. Federal Subsistence Regional Advisory Councils (Regional Councils)

will hold public meetings on this proposed rule making from September 11–October 18, 1995, at various locations in Alaska. Notice of specific dates and meeting locations will be published in local and statewide newspapers prior to the meetings. Written proposals to change Subpart D regulations will be compiled and distributed for additional public review during early November 1995. A second 30-day public comment period will follow distribution of the compiled proposal packet. Written public comments on distributed proposals will be accepted during the second public comment period. Comments on proposals to change Subpart D regulations may be presented to the Regional Councils at their meetings. The Federal Subsistence Board (Board) will deliberate and take final action on proposals received that request changes to this proposed rule at a public meeting to be held in Anchorage during April 1995.

**ADDRESSES:** Comments and proposals should be sent to Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503.

**FOR FURTHER INFORMATION CONTACT:** Richard S. Pospahala, Office of Subsistence Management; telephone (907) 786–3447. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628, telephone (907) 586–7921.

#### **SUPPLEMENTARY INFORMATION:**

### **Proposed Changes From 1995–1996 Seasons and Bag Limit Regulations**

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Consequently, this proposed rule reflects regulation changes for the 1995–1996 regulatory year that are approved by the Board. The Board has also decided that customary and traditional use determinations will also be subject to the annual review process. Regulations contained in this proposed rule will take effect on July 1, 1996, unless elements are changed by subsequent Board action following the public review process outlined herein.

The text of the 1995–1996 Subpart D final rule served as the foundation for the 1996–1997 Subpart D proposed rule. Only minor administrative changes to the 1995–1996 final rule have been made to correct Federal subsistence

management program regulations for the 1995–1996 regulatory year.

#### **Background**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court’s ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board was established to administer the Federal subsistence management program. The Board’s composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed this proposed rule and agree with its substance. Because this proposed rule relates to public lands managed by an agency or agencies in



both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

#### **Applicability of Subparts A, B, and C**

Subparts A, B, and C of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR §§ 100.1 to 100.23 and 36 CFR §§ 242.1 to 242.23, remain effective and apply to this rule for §§ \_\_\_\_\_.23–\_\_\_\_\_.25. Therefore, all definitions located at 50 CFR § 100.4 and 36 CFR § 242.4 apply to regulations found in this subpart. The identified sections include definitions for the following terms:

“*Federal lands* means lands and waters and interests therein title to which is in the United States”; and

“*public land* or *public lands* means lands situated in Alaska which are Federal lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal Law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.”

#### **Navigable Waters**

At this time, Federal subsistence management program regulations apply to all non-navigable waters located on public lands and to navigable waters located on the public lands identified at 50 CFR § 100.3(b) and 36 CFR § 242.3(b) of the Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964) published May 29, 1992. Nothing in these regulations is intended to enlarge or diminish authorities of the Departments to manage submerged lands, title to which is held by the United States government.

The Board recognizes Judge Holland’s order granting preliminary relief to the plaintiffs in the case of the *Native Village of Quinhagak et al. v. United States of America et al.* Therefore, to the extent that the proposed regulations would continue any existing restrictions on the taking of rainbow trout by the residents of Quinhagak and Goodnews Bay in the Kanektok, Arolik, and

Goodnews Rivers, those regulations will not be enforced pending completion of proceedings in that case. However, in light of the continuation of the proceedings in the consolidated “Katie John case” and a petition to the Secretaries of the Interior and Agriculture addressing jurisdiction in navigable waters, no attempt is being made to alter the fish and shellfish portions of the regulations (Sections \_\_\_\_\_.26 and \_\_\_\_\_.27) until final guidance has been received regarding the jurisdictional authority of the Federal government over navigable waters in general, and specifically with respect to the waters at issue in *Native Village of Quinhagak et al. v. United States of America et al.*

#### **Public Review Process—Regulation Comments, Proposals, and Public Meetings**

Written comments or proposed regulation changes may be submitted in writing to the address identified at the beginning of this rulemaking by October 27, 1995. Comments or proposals may also be presented at Regional Council meetings to be held from September 11–October 18, 1995 in Anchorage and other Alaskan communities.

Proposals should be specific to customary and traditional use determinations or to subsistence seasons, harvest limits, and/or methods and means. Proposals submitted to the Board should include, at minimum, the following information:

- a. The name, address, and telephone number of the individual or organization submitting the proposal;
- b. The section and/or paragraph of the proposed rule for which the change is being suggested;
- c. A statement explaining why the change is necessary;
- d. A proposed solution;
- e. Suggested wording for the regulation addition or change; and
- f. Any supporting information.

Proposals which fail to include the above information, or proposals which are beyond the scope of authorities in subpart D, may be rejected. Proposals for changes relating to fish or shellfish regulations, and changes to the overall program will *not* be considered by the board at this time. The public is encouraged to use standardized proposal forms to submit recommendations to the board. Proposal forms may be obtained from the U.S. Fish and Wildlife Service at the address listed above.

Following public distribution of proposals for changes to the 1996–1997 proposed subpart D regulations, a second 30-day comment period will be

provided to allow public review of those proposals that will be considered by the Board. A second series of Regional Council meetings will be held in February 1996, to assist in developing recommendations to the Board. Written comments on proposals may be submitted to the U.S. Fish and Wildlife Service before conclusion of the second comment period which is presently scheduled to end on January 5, 1996. The Board will discuss and evaluate proposed changes to this rule during a public meeting scheduled to be held in Anchorage, April 1996. The public may provide additional oral testimony on specific proposals before the Board at that time.

#### **Federal Subsistence Regional Advisory Councils**

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR § 242.11 (1992) and 50 CFR 100 § 242.11 (1992), and for the purposes identified therein, Alaska has been divided into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, will present their Council’s recommendations at the Board meeting in April 1996.

#### **Summary of Changes**

This proposed rule contains no changes from the Final 1995–1996 Subsistence Management Regulations for Alaska, as corrected, other than some minor wording clarifications and corrections.

#### **Conformance With Statutory and Regulatory Authorities**

##### *National Environmental Policy Act Compliance*

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was

distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992).

The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964, published May 29, 1992) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

#### *Compliance With Section 810 of ANILCA*

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

#### *Paperwork Reduction Act*

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501-3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018-0075.

Public reporting burden for the permit(s) required by this document is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0075), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

This rule is not subject to OMB review under Executive Order 12866.

#### *Economic Effects*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the

Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

#### *Drafting Information*

These regulations were drafted by William Knauer under the guidance of Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

#### **List of Subjects**

##### *36 CFR Part 242*

Administrative practice and procedure, Alaska, Fish, National Forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

##### *50 CFR Part 100*

Administrative practice and procedure, Alaska, Fish, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are proposed to be amended as set forth below.

#### **PART \_\_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA**

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, § \_\_\_\_\_,24 is proposed to be revised to read as follows:

#### **§ \_\_\_\_\_,24 Customary and traditional use determinations.**

(a) Rural Alaska residents of the listed communities and areas have been determined to have customary and traditional subsistence use of the specified species on Federal public lands in the specified areas:

(1) Wildlife determinations.

| Area                                                          | Species          | Determination                                                                                                               |
|---------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Unit 1(C) .....                                               | Black Bear ..... | Rural residents of Unit 1(C) and Haines, Gustavus, Klukwan, and Hoonah.                                                     |
| 1 .....                                                       | Brown Bear ..... | No determination, except no subsistence for residents of Wrangell, Klukwan, Haines and Skagway.                             |
| 1(A) .....                                                    | Deer .....       | Rural residents of 1(A) and 2.                                                                                              |
| 1(B) .....                                                    | Deer .....       | Rural residents of Unit 1(A), resident's of 1(B), 2 and 3.                                                                  |
| 1(C) .....                                                    | Deer .....       | Rural residents of 1(C) and (D), and residents of Hoonah and Gustavus.                                                      |
| 1(D) .....                                                    | Deer .....       | No subsistence.                                                                                                             |
| 1(B) .....                                                    | Goat .....       | No determination, except no subsistence for residents of Petersburg, Kupreanof and outlying areas.                          |
| 1(C) .....                                                    | Goat .....       | Residents of Haines, Klukwan, and Hoonah.                                                                                   |
| 1(B) The Stikine River drainages only .....                   | Moose .....      | No determination.                                                                                                           |
| 1(B) North of the LeConte Glacier and 1(C) Berner's Bay. .... | Moose .....      | No subsistence.                                                                                                             |
| 1(D) .....                                                    | Moose .....      | Residents of Unit 1(D).                                                                                                     |
| Unit 2 .....                                                  | Brown Bear ..... | No subsistence.                                                                                                             |
| 2 .....                                                       | Deer .....       | Rural residents of Unit 1(A) and residents of Units 2 and 3.                                                                |
| Unit 3 .....                                                  | Deer .....       | Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.               |
| Unit 4 .....                                                  | Brown Bear ..... | Residents of Unit 4 and Kake.                                                                                               |
| 4 .....                                                       | Deer .....       | Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, and Wrangell. |
| Unit 5 .....                                                  | Brown Bear ..... | Residents of Yakutat.                                                                                                       |
| 5 .....                                                       | Deer .....       | Residents of Yakutat.                                                                                                       |
| 5 .....                                                       | Moose .....      | Residents of Unit 5(A).                                                                                                     |
| Unit 6(A) .....                                               | Black Bear ..... | Residents of Yakutat.                                                                                                       |
| 6 (B) and (C) .....                                           | Black Bear ..... | Residents of Unit 6(B) and (C), except Cordova.                                                                             |
| 6(D) .....                                                    | Black Bear ..... | Residents of Chenega Bay and Tatilek.                                                                                       |
| 6 .....                                                       | Brown Bear ..... | No subsistence.                                                                                                             |
| 6 (C) and (D) .....                                           | Goat .....       | Rural residents of Unit 6(C) and (D).                                                                                       |
| 6 .....                                                       | Moose .....      | No subsistence.                                                                                                             |
| 6 .....                                                       | Wolf .....       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                          |
| Unit 7 .....                                                  | Brown Bear ..... | No subsistence.                                                                                                             |
| 7 .....                                                       | Caribou .....    | No subsistence.                                                                                                             |
| 7, Brown Mountain hunt area .....                             | Goat .....       | Residents of Port Graham and English Bay.                                                                                   |
| 7 .....                                                       | Moose .....      | No subsistence.                                                                                                             |
| 7 .....                                                       | Sheep .....      | No subsistence.                                                                                                             |
| Unit 8 .....                                                  | Brown Bear ..... | No subsistence.                                                                                                             |
| 8 .....                                                       | Deer .....       | Residents of Unit 8.                                                                                                        |
| 8 .....                                                       | Elk .....        | No subsistence.                                                                                                             |
| 8 .....                                                       | Goat .....       | No subsistence.                                                                                                             |
| Unit 9(D) .....                                               | Bison .....      | No subsistence.                                                                                                             |
| 9 (A), (C) and (D) .....                                      | Brown Bear ..... | No subsistence.                                                                                                             |
| 9(B) .....                                                    | Brown Bear ..... | Residents of Unit 9(B).                                                                                                     |
| 9(E) .....                                                    | Brown Bear ..... | Residents of Chignik Lake, Ivanof Bay and Perryville.                                                                       |
| 9 (A) and (B) .....                                           | Caribou .....    | Residents of Units 9(B), 9(C) and 17.                                                                                       |
| 9(C) .....                                                    | Caribou .....    | Residents of Units 9(B), 9(C), 17 and residents of Egegik.                                                                  |
| 9(D) .....                                                    | Caribou .....    | Residents of Unit 9(D), and residents of False Pass.                                                                        |
| 9(E) .....                                                    | Caribou .....    | Residents of Units 9(B), (C), (E), 17, and residents of Nelson Lagoon and Sand Point.                                       |
| 9 (A), (B), (C) and (E) .....                                 | Moose .....      | Residents of Unit 9(A), (B), (C) and (E).                                                                                   |
| 9(D) .....                                                    | Moose .....      | No subsistence.                                                                                                             |
| 9 .....                                                       | Wolf .....       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                          |
| Unit 10 Unimak Island .....                                   | Caribou .....    | Residents of False Pass.                                                                                                    |
| 10 Remainder .....                                            | Caribou .....    | No determination.                                                                                                           |
| 10 .....                                                      | Wolf .....       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                          |
| Unit 11 .....                                                 | Bison .....      | No subsistence.                                                                                                             |

| Area                                                                                                      | Species                                         | Determination                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 .....                                                                                                  | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11 .....                                                                                                  | Caribou .....                                   | Mentasta Herd—residents of Units 11, 12 (along Nabesna Road) and 13 (A)–(D) and the residents of Chickaloon.                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11 .....                                                                                                  | Goat .....                                      | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11 .....                                                                                                  | Moose .....                                     | Residents of Unit 11, residents of Unit 12 (along Nabesna Road) and Unit 13 (A)–(D) and the residents of Chickaloon.                                                                                                                                                                                                                                                                                                                                                                                            |
| 11 .....                                                                                                  | Sheep .....                                     | Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, McCarthy Road, Mentasta Lake, Mentasta Pass (milepost 79–110) Nabesna Road, Slana, McCarthy/South Wrangell/South Park, Tazlina, and Tonsina. However no subsistence for Cantwell, east Glenn Highway (milepost 110–180) and to milepost 14 on the Lake Louise Road, North Slana Homestead, South Slana Homestead, Lake Louise, Paxson, Sourdough, Tanacross, Tok, and west Glenn Highway (milepost 78–110). |
| 11 .....                                                                                                  | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11 .....                                                                                                  | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11 .....                                                                                                  | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Unit 12 .....                                                                                             | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12 .....                                                                                                  | Caribou-Nelchina Herd .....                     | Residents of Northway and Tetlin.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12 .....                                                                                                  | Caribou-40 Mile Herd .....                      | Residents of Unit 12, north of Wrangell Park Preserve and rural residents of Unit 20 (D) and (E).                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12 South of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River. | Moose .....                                     | Residents of Unit 11 north of 62nd parallel (excluding North Slana Homestead and South Slana Homestead); and residents of Unit 12, 13 (A)–(D) and the residents of Chickaloon and residents of Dot Lake.                                                                                                                                                                                                                                                                                                        |
| 12 East of the Nabesna River, south of the Winter Trail from Pickerel Lake to the Canadian Border.        | Moose .....                                     | Residents of Unit 12.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12 Remainder of Unit 12 .....                                                                             | Moose .....                                     | Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12 .....                                                                                                  | .....                                           | .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12, Tok Management area .....                                                                             | Sheep .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12 Remainder of Unit 12 .....                                                                             | Sheep .....                                     | No determination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12 .....                                                                                                  | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                                                                                                                                                                                                                                                              |
| Unit 13 .....                                                                                             | Brown Bear .....                                | No Subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13 .....                                                                                                  | Caribou Nelchina Herd .....                     | Residents of Units 11, 13 and the residents of Chickaloon, and 12 (along Nabesna Road).                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 13(D) .....                                                                                               | Goat .....                                      | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13 .....                                                                                                  | Moose .....                                     | Residents of Unit 13 and the residents of Chickaloon.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 13(E) .....                                                                                               | Moose .....                                     | No subsistence for residents of McKinley Village and the area along the Parks Highway between milepost 216 and 239 and households of the Denali National Park Headquarters.                                                                                                                                                                                                                                                                                                                                     |
| 13 Tok and Delta Management Areas .....                                                                   | Sheep .....                                     | No Subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13(D) .....                                                                                               | Sheep .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13 .....                                                                                                  | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.                                                                                                                                                                                                                                                                                                                                                                                                             |
| 13 .....                                                                                                  | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 13 .....                                                                                                  | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Unit 14 (B) and (C) .....                                                                                 | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 14 .....                                                                                                  | Goat .....                                      | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 14 .....                                                                                                  | Moose .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 14 (A) and (C) .....                                                                                      | sheep .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Unit 15 .....                                                                                             | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15(C), Port Graham and English Bay hunt areas .....                                                       | Goat .....                                      | Residents of Port Graham and English Bay.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 15(C), Seldovia hunt area .....                                                                           | Goat .....                                      | Residents Seldovia area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 15(A) .....                                                                                               | Moose .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15 (B) and (C) .....                                                                                      | Moose .....                                     | Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 15 .....                                                                                                  | Sheep .....                                     | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15 .....                                                                                                  | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 15 .....                                                                                                  | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Area                                                                                                                                                                                                                                                                                                              | Species                                         | Determination                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unit 16 .....                                                                                                                                                                                                                                                                                                     | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                           |
| 16(A) .....                                                                                                                                                                                                                                                                                                       | Moose .....                                     | No subsistence.                                                                                                                                                                                                                                                           |
| 16(B) .....                                                                                                                                                                                                                                                                                                       | Moose .....                                     | Residents of Unit 16(B).                                                                                                                                                                                                                                                  |
| 16 .....                                                                                                                                                                                                                                                                                                          | Sheep .....                                     | No subsistence.                                                                                                                                                                                                                                                           |
| 16 .....                                                                                                                                                                                                                                                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.                                                                                                                                                                       |
| 16 .....                                                                                                                                                                                                                                                                                                          | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                      |
| 16 .....                                                                                                                                                                                                                                                                                                          | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                      |
| Unit 17(A) .....                                                                                                                                                                                                                                                                                                  | Brown Bear .....                                | Residents of Unit 17, and residents of Goodnews Bay and Platinum.                                                                                                                                                                                                         |
| 17 (A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills. | Brown Bear .....                                | Residents of Kwethluk.                                                                                                                                                                                                                                                    |
| 17 (B) and (C) .....                                                                                                                                                                                                                                                                                              | Brown Bear .....                                | Residents of Unit 17.                                                                                                                                                                                                                                                     |
| 17 .....                                                                                                                                                                                                                                                                                                          | Caribou .....                                   | Residents of Units 9(B), 17 and residents of Lime Village and Stony River.                                                                                                                                                                                                |
| 17 (A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills. | Caribou .....                                   | Residents of Kwethluk.                                                                                                                                                                                                                                                    |
| 17 (A) and (B) Those portions south and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary.                              | Moose .....                                     | Residents of Kwethluk.                                                                                                                                                                                                                                                    |
| 17(A) .....                                                                                                                                                                                                                                                                                                       | Moose .....                                     | Residents of Unit 17 and residents of Goodnews Bay and Platinum.                                                                                                                                                                                                          |
| 17 (B) and (C) .....                                                                                                                                                                                                                                                                                              | Moose .....                                     | Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay and Platinum.                                                                                                                                                                                    |
| 17 .....                                                                                                                                                                                                                                                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.                                                                                                                                                                       |
| Unit 18 .....                                                                                                                                                                                                                                                                                                     | Brown Bear .....                                | Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.                                                                                                                                         |
| 18 .....                                                                                                                                                                                                                                                                                                          | Caribou (Kilbuck caribou herd only).            | INTERIM DETERMINATION BY FEDERAL SUBSISTENCE BOARD (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills. |
| 18 North of the Yukon River .....                                                                                                                                                                                                                                                                                 | Caribou (except Kilbuck caribou herd).          | Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Scammon Bay, Sheldon Point, and Stebbins.                                           |
| 18 Remainder .....                                                                                                                                                                                                                                                                                                | Caribou (except Kilbuck caribou herd).          | Residents of Kwethluk.                                                                                                                                                                                                                                                    |
| 18 .....                                                                                                                                                                                                                                                                                                          | Moose .....                                     | Residents of Unit 18 and residents of Upper Kalskag.                                                                                                                                                                                                                      |
| 18 .....                                                                                                                                                                                                                                                                                                          | Muskox .....                                    | No subsistence.                                                                                                                                                                                                                                                           |
| 18 .....                                                                                                                                                                                                                                                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                        |
| Unit 19 (C), (D) .....                                                                                                                                                                                                                                                                                            | Bison .....                                     | No subsistence.                                                                                                                                                                                                                                                           |
| 19(A) .....                                                                                                                                                                                                                                                                                                       | Brown Bear .....                                | Residents of Unit 19 (A), (D), and Residents of Tuluksak, Lower Kalskag and Kwethluk.                                                                                                                                                                                     |
| 19(B) .....                                                                                                                                                                                                                                                                                                       | Brown Bear .....                                | Residents of Kwethluk.                                                                                                                                                                                                                                                    |
| 19(C) .....                                                                                                                                                                                                                                                                                                       | Brown Bear .....                                | No subsistence.                                                                                                                                                                                                                                                           |
| 19(D) .....                                                                                                                                                                                                                                                                                                       | Brown Bear .....                                | Residents of Unit 19 (A) and (D), and residents of Tulusak and Lower Kalskag.                                                                                                                                                                                             |
| 19 (A) and (B) .....                                                                                                                                                                                                                                                                                              | Caribou .....                                   | Residents of Unit 19 (A) and (B) and Kwethluk; and residents of Unit 18 in Kuskokwim Drainage and Kuskokwim Bay during the winter season.                                                                                                                                 |
| 19(C) .....                                                                                                                                                                                                                                                                                                       | Caribou .....                                   | Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.                                                                                                                                                                                     |
| 19(D) .....                                                                                                                                                                                                                                                                                                       | Caribou .....                                   | Residents of Unit 19(D), and residents of Lime Village, Sleetmute and Stony River.                                                                                                                                                                                        |

| Area                                                       | Species                                          | Determination                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 (A) and (B) .....                                       | Moose .....                                      | Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.                                                                                                                                                                                                                                                                                                                           |
| 19(C) .....                                                | Moose .....                                      | Residents of Unit 19.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 19(D) .....                                                | Moose .....                                      | Residents of Unit 19 and residents of Lake Minchumina.                                                                                                                                                                                                                                                                                                                                                                                     |
| 19 .....                                                   | Wolf .....                                       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                                                                                                                                                                                         |
| Unit 20(D) .....                                           | Bison .....                                      | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 20(E) .....                                                | Brown Bear .....                                 | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 20 (A), (C) (Delta, Yanert, and 20(C) herds) and (D) ..... | Caribou .....                                    | No determination, except no subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.                                                                                                                                                                                                                                         |
| 20(D) and 20(E) .....                                      | Caribou 40-Mile Herd .....                       | Residents of Unit 12 north of Wrangell Park-Preserve, rural residents of 20(D) and residents of 20(E).                                                                                                                                                                                                                                                                                                                                     |
| 20(A) .....                                                | Moose .....                                      | Residents of Cantwell, Minto, and Nenana. No subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.                                                                                                                                                                                                                        |
| 20(B) .....                                                | Moose .....                                      | Minto Flats Management Area—residents of Minto and Nenana.                                                                                                                                                                                                                                                                                                                                                                                 |
| 20(B) .....                                                | Moose .....                                      | Remainder—rural residents of Unit 20(B), and residents of Nenana and Tanana.                                                                                                                                                                                                                                                                                                                                                               |
| 20(C) .....                                                | Moose .....                                      | Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Mino, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana and Telida. No subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters. |
| 20(D) .....                                                | Moose .....                                      | Rural residents of Unit 20(D) and residents of Tanacross.                                                                                                                                                                                                                                                                                                                                                                                  |
| 20(F) .....                                                | Moose .....                                      | Residents of Unit 20(F), Manley, Minto and Stevens Village.                                                                                                                                                                                                                                                                                                                                                                                |
| 20 Tok and Delta Management Areas .....                    | Sheep .....                                      | No subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 20 .....                                                   | Wolf .....                                       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                                                                                                                                                                                         |
| 20(D) .....                                                | Grouse, (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                       |
| 20(D) .....                                                | Ptarmigan (Rock, Willow and White-tailed).       | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                                                                                                                                                                                                                                                                                                                                       |
| Unit 21 .....                                              | Brown Bear .....                                 | Rural residents of Unit 21 and 23.                                                                                                                                                                                                                                                                                                                                                                                                         |
| 21 .....                                                   | Caribou, Western Arctic Caribou Herd only.       | Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of 22(A), (B), 23, 24, and 26(A).                                                                                                                                                                                                                                                                                                                              |
| 21 (A) and (E) .....                                       | Caribou .....                                    | Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk and Takotna.                                                                                                                                                                                                                                                                                                                        |
| 21(A) .....                                                | Moose .....                                      | Residents of Unit 21(A), (E), Takotna, McGrath, Aniak and Crooked Creek.                                                                                                                                                                                                                                                                                                                                                                   |
| 21 (B) and (C) .....                                       | Moose .....                                      | Residents of Unit 21(B) and (C), residents of Tanana and Galena.                                                                                                                                                                                                                                                                                                                                                                           |
| 21(D) .....                                                | Moose .....                                      | Residents of Unit 21(D), and residents of Huslia and Ruby.                                                                                                                                                                                                                                                                                                                                                                                 |
| 21(E) .....                                                | Moose .....                                      | Residents of Unit 21(D) and residents of Russian Mission.                                                                                                                                                                                                                                                                                                                                                                                  |
| 21 .....                                                   | Wolf .....                                       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.                                                                                                                                                                                                                                                                                                                                        |
| Unit 22 .....                                              | Brown Bear .....                                 | Residents of Unit 22.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 22 .....                                                   | Caribou, Western Arctic Caribou Herd only.       | Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22(A), (B), 23, 24, and 26(A).                                                                                                                                                                                                                                                                                                                        |
| 22 .....                                                   | Moose .....                                      | Residents of Unit 22.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 22(B) .....                                                | Muskox .....                                     | Residents of Unit 22(B).                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 22(C) .....                                                | Muskox .....                                     | Residents of Unit 22(C).                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 22(D) .....                                                | Muskox .....                                     | Residents of Unit 22(D) excluding St. Lawrence Island.                                                                                                                                                                                                                                                                                                                                                                                     |
| 22(E) .....                                                | Muskox .....                                     | Residents of Unit 22(E) excluding Little Diomed Island.                                                                                                                                                                                                                                                                                                                                                                                    |
| 22 .....                                                   | Wolf .....                                       | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                                                                                                                                                                                                                                                                                                                                         |

| Area                                                                              | Species                                         | Determination                                                                                                                |
|-----------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 22 .....                                                                          | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                         |
| 22 .....                                                                          | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                         |
| Unit 23 .....                                                                     | Brown Bear .....                                | Rural residents of Units 21 and 23.                                                                                          |
| 23 .....                                                                          | Caribou Western Arctic Caribou Herd only.       | Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Unit 22(A), (B), 23, 24, and 26(A).           |
| 23 .....                                                                          | Moose .....                                     | Residents of Unit 23.                                                                                                        |
| 23 South of Kotzebue Sound and west of and including the Buckland River drainage. | Muskox .....                                    | Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.                          |
| 23 Remainder .....                                                                | Muskox .....                                    | No subsistence.                                                                                                              |
| 23 .....                                                                          | Sheep .....                                     | Residents of Unit 23 north of the Arctic Circle.                                                                             |
| 23 .....                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.                          |
| 23 .....                                                                          | Grouse (Spruce, Blue, Ruffed and Sharp-tailed). | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                         |
| 23 .....                                                                          | Ptarmigan (Rock, Willow and White-tailed).      | Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.                                         |
| Unit 24 .....                                                                     | Brown Bear .....                                | Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.      |
| 24 .....                                                                          | Moose .....                                     | Residents of Unit 24, and residents of Anaktuvuk Pass, Koyukuk and Galena.                                                   |
| 24 .....                                                                          | Sheep .....                                     | Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna and Anaktuvuk Pass.              |
| 24 .....                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                           |
| Unit 25 .....                                                                     | Brown Bear .....                                | No subsistence.                                                                                                              |
| 25(A) .....                                                                       | Moose .....                                     | Residents of Unit 25(A) and residents of Venetie only.                                                                       |
| 25(D) West .....                                                                  | Moose .....                                     | Residents of Beaver, Birch Creek and Stevens Village.                                                                        |
| 25(D) Remainder .....                                                             | Moose .....                                     | Residents of Remainder of Unit 25.                                                                                           |
| 25(A) .....                                                                       | Sheep .....                                     | Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetie.                                                   |
| 25 (B) and (C) .....                                                              | Sheep .....                                     | No subsistence.                                                                                                              |
| 25 .....                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                           |
| Unit 26 .....                                                                     | Brown Bear .....                                | Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.   |
| 26 .....                                                                          | Caribou Western Arctic Caribou Herd only.       | Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22(A), (B), 23, 24, and 26(A).          |
| 26(B) .....                                                                       | Caribou Central Arctic Herd                     | Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut and Wiseman.                                                                  |
| 26 .....                                                                          | Moose .....                                     | Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass. |
| 26(A) .....                                                                       | Muskox .....                                    | Residents of Anaktuvuk Pass, Atkasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.                                |
| 26(B) .....                                                                       | Musk Oxen .....                                 | Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.                                                                          |
| 26(C) .....                                                                       | Musk Oxen .....                                 | Residents of Kaktovik.                                                                                                       |
| 26 (A) and (B) .....                                                              | Sheep .....                                     | Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut and Wiseman.                                                                  |
| 26(C) .....                                                                       | Sheep .....                                     | Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, Nuiqsut and Venetie.                                          |
| 26 .....                                                                          | Wolf .....                                      | Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.                           |

## (2) Fish and shellfish determinations.

| Area                                           | Species                      | Determination                                                                                |
|------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------|
| KOTZEBUE-NORTHERN AREA—Northern District ..... | All finfish .....            | Residents of the Northern District, except for those domiciled in State of Alaska Unit 26–B. |
| Kotzebue District .....                        | Salmon, sheefish, char ..... | Residents of the Kotzebue District.                                                          |
| NORTON SOUND—PORT CLARENCE AREA .....          | Salmon .....                 | Residents of the Norton Sound-Port Clarence Area.                                            |
| YUKON AREA .....                               | Salmon .....                 | Residents of the Yukon Area, including the community of Stebbins.                            |

| Area                                                                                                                                                                                                                                                                                                                                | Species                                                                                                                | Determination                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                     | Yukon River Fall chum salmon.                                                                                          | Residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                     | Freshwater fish, species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish. | Residents of the Yukon Area.                                                                                                                                                                                                                                          |
| KUSKOKWIM AREA .....                                                                                                                                                                                                                                                                                                                | Salmon .....                                                                                                           | Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.                                                                                              |
|                                                                                                                                                                                                                                                                                                                                     | Rainbow trout .....                                                                                                    | Residents of the communities of Quinhagak, Goodnews Bay, Kwethluk, Eek, Akiak, and Platinum.                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                                                                     | Pacific cod .....                                                                                                      | Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.                                                                                                         |
| Waters adjacent to the western-most tip of the Naskonant Peninsula and the terminus of the Ishowik River and around Nunivak Island.                                                                                                                                                                                                 | Herring and herring roe .....                                                                                          | Residents within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island.                                                                                                            |
| BRISTOL BAY AREA—Nushagak District, including drainages flowing into the district.                                                                                                                                                                                                                                                  | Salmon .....                                                                                                           | Residents of the Nushagak District and freshwater drainages flowing into the district.                                                                                                                                                                                |
| Naknek-Kvichek District—Naknek River drainage .....                                                                                                                                                                                                                                                                                 | Salmon .....                                                                                                           | Residents of the Naknek and Kvichak River drainages.                                                                                                                                                                                                                  |
| Naknek-Kvichek District—Iliamna-Lake Clark drainage ..                                                                                                                                                                                                                                                                              | Salmon .....                                                                                                           | Residents of the Iliamna-Lake Clark drainage.                                                                                                                                                                                                                         |
| Togiak District, including drainages flowing into the district.                                                                                                                                                                                                                                                                     | Salmon and other freshwater finfish.                                                                                   | Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.                                                                                                                                                     |
| KODIAK AREA—except the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape Douglas (58° 52' North latitude) midstream Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57°11'22" North latitude, 156°20'30" W longitude). | Salmon .....                                                                                                           | Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.                                                                                                                                                                         |
| KODIAK AREA—Except the Semidi Island, the North Mainland, and the South Mainland Sections.                                                                                                                                                                                                                                          | King crab .....                                                                                                        | Residents of the Kodiak Island Borough except those residents on the Kodiak Coast Guard base.                                                                                                                                                                         |
| COOK INLET AREA—Port Graham Subdistrict .....                                                                                                                                                                                                                                                                                       | Dolly Varden .....                                                                                                     | Residents of Port Graham and English Bay                                                                                                                                                                                                                              |
| Port Graham Subdistrict and Koyuktoilik Subdistrict .....                                                                                                                                                                                                                                                                           | Salmon .....                                                                                                           | Residents of Port Graham and English Bay.                                                                                                                                                                                                                             |
| Tyonek Subdistrict .....                                                                                                                                                                                                                                                                                                            | Salmon .....                                                                                                           | Residents of the village of Tyonek.                                                                                                                                                                                                                                   |
| PRINCE WILLIAM SOUND AREA—South-Western District and Green Island.                                                                                                                                                                                                                                                                  | Salmon .....                                                                                                           | Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands. |
| PRINCE WILLIAM SOUND AREA—North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.                                                                                                                                                                                               | Salmon .....                                                                                                           | Residents of the villages of Tatitlek and Ellamar.                                                                                                                                                                                                                    |
| YAKUTAT AREA—Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.                                                                                                                                                                                                | Salmon .....                                                                                                           | Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.                                                                                                      |
| Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.                                                                                                                                                                                                                | Dolly Varden char, steelhead trout, and smelt.                                                                         | Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.                                                                                                      |
| SOUTH-EASTERN ALASKA AREA— District 1—Section 1—E in waters of the Naha River and Roosevelt Lagoon.                                                                                                                                                                                                                                 | Salmon and Dolly Varden char.                                                                                          | Residents of the City of Saxman.                                                                                                                                                                                                                                      |
| District 1—Section 1—F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.                                                                                                                                                                                          | Salmon and Dolly Varden char.                                                                                          | Residents of the City of Saxman.                                                                                                                                                                                                                                      |
| District 2—North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula.                                                                                               | Salmon and Dolly Varden char.                                                                                          | Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.                                                                                                         |
| District 3—Section 3—A .....                                                                                                                                                                                                                                                                                                        | Salmon and Dolly Varden char.                                                                                          | Residents of the townsite of Hydaburg.                                                                                                                                                                                                                                |



| Area                                                                                                              | Species                                         | Determination                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| District 3—Section 3—B in waters east of a line from Point Ildefonso to Tranquil Point.                           | Salmon, Dolly Varden char, and steelhead trout. | Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989. |
| District 3—Section 3—C in waters of Sarkar Lakes .....                                                            | Salmon, Dolly Varden char, and steelhead trout. | Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989. |
| District 5—North of a line from Point Barrie to Boulder Point.                                                    | Salmon and Dolly Varden char.                   | Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.                                                                                                                                                                                   |
| District 9—Section 9—A .....                                                                                      | Salmon and Dolly Varden char.                   | Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.                                                                                                                                                                                   |
| District 9—Section 9—B north of the latitude of Swain Point.                                                      | Salmon and Dolly Varden char.                   | Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.                                                                                                                                                                                   |
| District 10—West of a line from Pinta Point to False Point Pybus.                                                 | Salmon and Dolly Varden char.                   | Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.                                                                                                                                                                                   |
| District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution. | Salmon and Dolly Varden char.                   | Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island.                                                                                                                     |
| District 13—Section 13—A south of the latitude of Cape Edward.                                                    | Sockeye salmon .....                            | Residents of the City and Borough of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.                                                                                                                                                                                                            |
| District 13—Section 13—B north of the latitude of Redfish Cape.                                                   | Sockeye salmon .....                            | Residents of the City and Borough of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.                                                                                                                                                                                                            |
| District 13—Section 13—C .....                                                                                    | Sockeye salmon .....                            | Residents of the City and Borough of Sitka in drainages which empty of Sitka in drainages which empty into Section 13—B north of the latitude of Dorothy Narrows.                                                                                                                                                                          |
| District 13—Section 13—C east of the longitude of Point Elizabeth.                                                | Salmon and Dolly Varden char.                   | Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 135°30' W. long., including Killisnoo Island.                                                                                                                     |
| District 14—Section 14—B and 14—C .....                                                                           | Salmon, smelt and Dolly Varden char.            | Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.                                                                                                                                                                                               |
| District 15—Chilkat and Chilkoot Rivers .....                                                                     | Salmon and smelt .....                          | Residents west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River, but not elsewhere in Klukwan; and, those residents of other areas of the city and borough of Haines, excluding residents in the drainage of excursion inlet.                                                                               |

(b) [Reserved]

3. In subpart D of 36 CFR 36 part 242 and 50 CFR part 100, § \_\_\_\_\_.25 is proposed to read as follows:

#### **Subpart D—Subsistence Taking of Fish and Wildlife**

##### **§ \_\_\_\_\_.25 Subsistence taking of wildlife.**

(a) Definitions. The following definitions shall apply to all regulations contained in this section.

*ADF&G* means the Alaska Department of Fish and Game.

*Aircraft* means any kind of airplane, glider, or other device used to transport

people or equipment through the air, excluding helicopters.

*Airport* means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

*Animal* means those species with a vertebral column (backbone).

*Antler* means one or more solid, horn-like appendages protruding from the head of a caribou, deer, or moose.

*Antlered* means any caribou, deer, or moose having at least one visible antler.

*Antlerless* means any caribou, deer, or moose having visible antlers attached to the skull.

*Bear* means black bear, or brown or grizzly bear.

*Bow* means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that hold arrows at full draw.

*Broadhead* means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

*Brow tine* means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

*Buck* means any male deer.

*Bull* means any male moose, caribou, or musk oxen.

*Closed season* means the time when wildlife may not be taken.

*Cub bear* means a brown and grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

*Designated hunter* means a Federally qualified, licensed hunter who may take all or a portion of another Federally qualified, licensed hunter's harvest limit(s) only under situations approved by the Board.

*Edible meat* means the breast meat of ptarmigan and grouse, and, those parts of black bear, brown or grizzly bear, caribou, deer, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption which are: the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (elbow), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed above does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera.

*Federally-qualified subsistence user* means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

*Fifty-inch (50-inch) moose* means a bull moose with an antler spread of 50 inches or more.

*Full curl horn* means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

*Furbearer* means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf or wolverine.

*Grouse* collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse and sharp-tailed grouse.

*Hare or hares* collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

*Harvest limit* means the number of any one species permitted to be taken by any one person in a Unit or portion of a Unit in which the taking occurs.

*Highway* means the driveable surface of any constructed road.

*Household* means that group of people residing in the same residence.

*Hunting* means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

*Marmot* collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

*Motorized vehicle* means a motor-driven land, air or water conveyance.

*Open season* means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

*Otter* means river or land otter only, excluding sea otter.

*Permit hunt* means a hunt for which State or Federal permits are issued by registration or other means.

*Poison* means any substance which is toxic, or poisonous upon contact or ingestion.

*Possession* means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

*Ptarmigan* collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

*Ram* means a male Dall sheep.

*Registration permit* means a permit which authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

*Sealing* means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing, or surrendering a specific portion of the animal for biological information.

*Seven-eighths curl horn* means the horn of a male Dall sheep, the tip of which has grown through seven-eighths (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

*Skin, hide, pelt or fur* mean any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur or pelt of a bear shall mean the entire external covering with claws attached.

*Spike-fork moose* means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

*Take or Taking* means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

*Tine or antler point* refers to any point on an antler, the length of which is greater than its width and is at least one inch.

*Transportation* means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

*Trapping* means the taking of furbearers within the established trapping seasons and with a required trapping license.

*Unclassified wildlife or unclassified species* means all species of animals not otherwise classified by the definitions herein, or regulated under other Federal law as listed in §\_\_\_\_\_.25(i).

*Ungulate* means any species of hoofed mammal, including deer, caribou, moose, mountain goat, Dall sheep, and musk oxen.

*Unit* means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in §\_\_\_\_\_.25 as Units.

*Wildlife* means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Wildlife may be taken for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(1) Except for special provisions found at §\_\_\_\_\_.25(k) (1) through (26), the following methods and means of taking wildlife for subsistence uses are prohibited:

(i) Shooting from, on, or across a highway;

(ii) Using any poison;

(iii) Using a helicopter in any manner, including transportation of individuals, equipment or wildlife; however, this prohibition does not apply to

transportation of an individual, gear, or wildlife during an emergency rescue operation in a life threatening situation;

(iv) Taking wildlife from a motorized vehicle, except from a motor-driven boat if the motor has been completely shut off, and the boat's progress from the motor's power has ceased;

(v) Using a motorized vehicle to drive, herd, or molest wildlife;

(vi) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(A) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(B) A muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, moose, musk oxen and mountain goat;

(viii) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(ix) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(x) Using a trap to take ungulates or bear;

(xi) Using hooks to physically snag, impale or otherwise take wildlife; however, hooks may be used as a trap drag;

(xii) Using a crossbow in any area restricted to hunting by bow and arrow only to take ungulates, bear, wolf or wolverine;

(xiii) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a  $\frac{7}{8}$  inch wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(xiv) Using bait for taking ungulates, bear, wolf, or wolverine; except, bait may be used to take wolves and wolverine with a trapping license, and, bait may be used to take black bears with a hunting license as authorized in Unit-specific regulations at §\_\_\_\_.25(k) (1) through (26). Baiting of

black bears is subject to the following restrictions:

(A) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(B) A person using bait shall clearly mark the site with a sign reading "black bear bait station" that also displays the persons' hunting license number and ADF&G assigned number;

(C) Only biodegradable materials may be used for bait; only the head, bones, viscera, or skin of legally harvested fish and wildlife may be used for bait;

(D) No person may use bait within one-quarter mile of a publicly maintained road or trail;

(E) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(F) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(G) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods;

(H) No person may have more than two bait stations with bait present at any one time;

(xv) Taking swimming ungulates, bear, wolves or wolverine;

(xvi) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however this restriction does not apply to subsistence taking of deer;

(xvii) Taking a bear cub or a sow accompanied by cub(s).

(2) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(3) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at §\_\_\_\_.25(b)(1):

(i) Disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) Disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that firearms may be used in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(iv) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed

mink and marten season in the same Unit;

(v) Using a net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(vii) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(c) Possession and Transportation of Wildlife.

(1) Except as specified in §\_\_\_\_.25(c)(3)(ii) or (c)(4), or as otherwise provided, no person may take a species of wildlife in any Unit, or portion of a Unit, if that person's total statewide take of that species has already been obtained under Federal and State regulations in other Units, or portions of other Units.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to §\_\_\_\_.6(f)(3), an animal taken by an individual as part of a community harvest limit counts toward that individual's harvest limit for that species taken under Federal or State regulations for areas outside of the community harvest area.

(3) Individual harvest limits.

(i) Harvest limits authorized by §\_\_\_\_.25 and bag limits established in State regulations may not be accumulated.

(ii) Wildlife taken by a designated hunter for another person pursuant to §\_\_\_\_.6(f)(2), counts toward the individual harvest limit of the person for whom the wildlife is taken.

(4) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a harvest limit for a particular species under a trapping season may take additional animals under the harvest limit specified for a hunting season or vice versa.

(5) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(6) A harvest limit applies to the number of animals that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(7) Unless otherwise provided, any person who gives or receives wildlife shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received wildlife, the time and place that the wildlife was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take wildlife on his or her behalf in accordance with § \_\_\_\_\_.6, the permit shall be furnished in place of a signed statement.

(8) A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with § \_\_\_\_\_.6, shall promptly deliver the wildlife to that rural Alaska resident.

(9) No person may possess, transport, give, receive or barter wildlife that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(10) Evidence of sex and identity.

(i) If subsistence take of Dall sheep is restricted to a ram, no person may possess or transport a harvested sheep unless both horns accompany the animal.

(ii) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, no person may possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, § \_\_\_\_\_.25(c)(10)(ii) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose harvest limit includes an antler size or configuration restriction, no person may possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. A person possessing a set of antlers with less than the required number of brow times on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, § \_\_\_\_\_.25(c)(10)(iii) does not apply to moose carcass or its parts that have been butchered and placed in storage or otherwise prepared

for consumption after arrival at the place where it is to be stored or consumed.

(d) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required; in all cases, any identification equipment must be returned to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls.

(1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified below, and black bears of all color phases taken in Units 1-7, 11-16, and 20.

(2) No person may possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, no person may possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, it must first be sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area is removed from the area, it must be first be sealed by an

ADF&G representative in Barrow, Fairbanks, Galena, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If the skin or skull of a bear taken in Unit 5 is removed from the area, it must first be sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(v) If the skin or skull of a bear taken in Unit 9(B) is removed from the area, it must first be sealed by an ADF&G representative in Port Alsworth or King Salmon; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(f) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. No person may possess or transport from Alaska the untanned skin of a marten taken in Units 1-5, 7, 13(E), and 14-16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the state, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations.

(g) A person who takes a species listed in § \_\_\_\_\_.25(f) but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in § \_\_\_\_\_.25(f).

(h) Utilization of Wildlife.

(1) No person may use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse and ptarmigan; however, the breast meat of grouse and ptarmigan may not be used as animal food or bait;

(iv) Unclassified wildlife.

(2) A person taking wildlife for subsistence shall salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear

Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) Failure to salvage edible meat of ungulates, bear, or grouse and ptarmigan is prohibited.

(4) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested wildlife, unanticipated weather conditions, or unavoidable loss to another animal.

(i) The regulations found in § \_\_\_\_\_.25 do not apply to the subsistence taking and use of wildlife regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 927, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of wildlife, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(j) Rural residents, non-rural residents, and nonresidents not specifically prohibited by Federal regulations from hunting or trapping on public lands in an area, may hunt or trap on public lands in accordance with the appropriate State regulations.

(k) *Unit Regulations.* Subsistence taking of unclassified wildlife, all squirrel species, and marmots is allowed in all Units, without harvest limits, for the period of July 1–June 30. Subsistence taking of wildlife outside established Unit seasons, or in excess of the established Unit harvest limits, is prohibited unless otherwise modified by subsequent regulation. Taking of wildlife under State regulations on public lands is permitted, except as otherwise restricted at § \_\_\_\_\_.25(k) (1) through (26). Additional Unit-specific restrictions or allowance for subsistence taking of wildlife are identified at § \_\_\_\_\_.25(k) (1) through (26).

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Earnest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chicagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—The Anan Creek drainage is closed to the taking of black bear;

(D) Unit 1(C):

(1) The area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(2) The area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget

Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(vi) In Unit 1(C), Juneau area the trapping of furbearers for subsistence uses is prohibited on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) Bait may be used to hunt black bear in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                    | Open season                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                   |                                      |
| Black Bear:                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 2 bears, no more than one may be a blue or glacier bear .....                                                                                                                                                                                                                                                                                                                     | Sept. 1–June 30.                     |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 1 bear every four regulatory years by State registration permit only .....                                                                                                                                                                                                                                                                                                        | Sept. 15–Dec. 31.<br>Mar. 15–May 31. |
| Deer:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| Unit 1(A)—4 antlered deer .....                                                                                                                                                                                                                                                                                                                                                   | Aug. 1–Dec. 31.                      |
| Unit 1(B)—2 antlered deer .....                                                                                                                                                                                                                                                                                                                                                   | Aug. 1–Dec. 31.                      |
| Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31 .....                                                                                                                                                                                                                                                                                          | Aug. 1–Dec. 31.                      |
| Goat:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| Unit 1(A)—Revillagido Island only .....                                                                                                                                                                                                                                                                                                                                           | No open season.                      |
| Unit 1(B)—that portion north of the Bradfield Canal and the North Fork of the Bradfield River. 1 goat by State registration permit only; that portion between LeConte Bay and the North Fork of Bradfield River/Canal will require a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.                | Aug. 1–Dec. 31.                      |
| Unit 1(A) and Unit 1(B)—Remainder—2 goats by State registration permit only .....                                                                                                                                                                                                                                                                                                 | Aug. 1–Dec. 31.                      |
| Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by State registration permit only.                                                                                                                                                                                                                   | Oct. 1–Nov. 30.                      |
| Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott River                                                                                                                                                                                         | No open season.                      |
| Remainder of Unit 1(C)—1 goat by State registration permit only .....                                                                                                                                                                                                                                                                                                             | Aug. 1 - Nov. 30.                    |
| Unit 1(D)—that portion lying north of the Katzechin River and northeast of the Haines highway—1 goat by State registration permit only.                                                                                                                                                                                                                                           | Sept. 15–Nov. 30.                    |
| Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad .....                                                                                                                                                                                                                                                                            | No open season.                      |
| Remainder of Unit 1(D)—1 goat by State registration permit only .....                                                                                                                                                                                                                                                                                                             | Aug. 1–Dec. 31.                      |
| Moose:                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| Unit 1(A)—1 antlered bull .....                                                                                                                                                                                                                                                                                                                                                   | Sept. 15–Oct. 15.                    |
| Unit 1(B)—south and east of LeConte Bay and Glacier—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler. Public lands within the Stikine River drainage are closed to the taking of moose, except in accordance with these regulations during seasons identified above by qualified rural residents only, by Federal registration permit. | Sept. 15–Oct. 15.                    |
| Remainder of Unit 1(B) .....                                                                                                                                                                                                                                                                                                                                                      | No open season.                      |
| Unit 1(C)—excluding drainages of Berners Bay—1 antlered bull by State registration permit only .....                                                                                                                                                                                                                                                                              | Sept. 15–Oct. 15.                    |
| Unit 1(D) .....                                                                                                                                                                                                                                                                                                                                                                   | No open season.                      |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                   | Sept. 1–Apr. 30.                     |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                                                                             |                                      |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                     | Nov. 1–Feb. 15.                      |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 5 hares per day .....                                                                                                                                                                                                                                                                                                                                                             | Sept. 1–Apr. 30.                     |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                      | Dec. 1–Feb. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                                                    | Aug. 1–Apr. 30.                      |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                        |                                      |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                 | Nov. 10–Feb. 15.                     |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                  |                                      |
| 5 per day, 10 in possession .....                                                                                                                                                                                                                                                                                                                                                 | Aug. 1–May 15.                       |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                       |                                      |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                | Aug. 1–May 15.                       |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| Unit 1 (A), (B), and (C)—No limit .....                                                                                                                                                                                                                                                                                                                                           | Dec. 1–May 15.                       |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                                                                             |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Marten:                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                          |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Otter:                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Dec. 1–Feb. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Nov. 10–Apr. 30.                     |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                        |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                    | Nov. 10–Apr. 30.                     |

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverines, except for persons certified as disabled;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must

obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved].

| Harvest limits                                                                                                                    | Open season      |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                                                                                   |                  |
| Black Bear:                                                                                                                       |                  |
| 2 bears, no more than one may be a blue or glacier bear .....                                                                     | Sept. 1–June 30. |
| Deer:                                                                                                                             |                  |
| 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31. | Aug. 1–Dec. 31.  |
| Coyote:                                                                                                                           |                  |
| 2 coyotes .....                                                                                                                   | Sept. 1–Apr. 30. |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                             |                  |
| 2 foxes .....                                                                                                                     | Nov. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                       |                  |
| 5 hares per day .....                                                                                                             | Sept. 1–Apr. 30. |
| Lynx:                                                                                                                             |                  |
| 2 lynx .....                                                                                                                      | Dec. 1–Feb. 15.  |
| Wolf:                                                                                                                             |                  |
| 5 wolves .....                                                                                                                    | Aug. 1–Apr. 30.  |
| Wolverine:                                                                                                                        |                  |
| 1 wolverine .....                                                                                                                 | Nov. 10–Feb. 15. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                  |                  |
| 5 per day, 10 in possession .....                                                                                                 | Aug. 1–May 15.   |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                       |                  |
| 20 per day, 40 in possession .....                                                                                                | Aug. 1–May 15.   |
| <b>Trapping:</b>                                                                                                                  |                  |
| Beaver:                                                                                                                           |                  |
| No limit .....                                                                                                                    | Dec. 1–May 15.   |
| Coyote:                                                                                                                           |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                             |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Lynx:                                                                                                                             |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Marten:                                                                                                                           |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Mink and Weasel:                                                                                                                  |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Muskrat:                                                                                                                          |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Otter:                                                                                                                            |                  |
| No limit .....                                                                                                                    | Dec. 1–Feb. 15.  |
| Wolf:                                                                                                                             |                  |
| No limit .....                                                                                                                    | Nov. 10–Apr. 30. |
| Wolverine:                                                                                                                        |                  |
| No limit .....                                                                                                                    | Nov. 10–Apr. 30. |

(3) *Unit 3.* (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to

Crystal Lake campground is closed to the taking of ungulates, bear, wolves and wolverine;

(B) The Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(C) Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and

must return a completed harvest report. more than two harvest limits in his/her  
The designated hunter may hunt for any possession at any one time.  
number of recipients but may have no

| Harvest limits                                                                                                                                                                                                                                                                                                         | Open season      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                        |                  |
| Black Bear:                                                                                                                                                                                                                                                                                                            |                  |
| 2 bears, no more than one may be a blue or glacier bear .....                                                                                                                                                                                                                                                          | Sept. 1–June 30. |
| Deer:                                                                                                                                                                                                                                                                                                                  |                  |
| Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes<br>Lindenbug Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit<br>only; however, the city limits of Petersburg and Kupreanof are closed to hunting. | Oct. 15–Oct. 31. |
| Remainder of Unit 3—2 antlered deer .....                                                                                                                                                                                                                                                                              | Aug. 1–Nov. 30.  |
| Moose:                                                                                                                                                                                                                                                                                                                 |                  |
| Unit 3—Mitkof and Wrangell Islands—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on ei-<br>ther antler by State registration permit only.                                                                                                                                                 | Oct. 1–Oct. 15.  |
| Remainder of Unit 3 .....                                                                                                                                                                                                                                                                                              | No open season.  |
| Coyote:                                                                                                                                                                                                                                                                                                                |                  |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                        | Sept. 1–Apr. 30. |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                  |                  |
| 2 foxes .....                                                                                                                                                                                                                                                                                                          | Nov. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                            |                  |
| 5 hares per day .....                                                                                                                                                                                                                                                                                                  | Sept. 1–Apr. 30. |
| Lynx:                                                                                                                                                                                                                                                                                                                  |                  |
| 2 lynx .....                                                                                                                                                                                                                                                                                                           | Dec. 1–Feb. 15.  |
| Wolf:                                                                                                                                                                                                                                                                                                                  |                  |
| 5 wolves .....                                                                                                                                                                                                                                                                                                         | Aug. 1–Apr. 30.  |
| Wolverine:                                                                                                                                                                                                                                                                                                             |                  |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                      | Nov. 10–Feb. 15. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                       |                  |
| 5 per day, 10 in possession .....                                                                                                                                                                                                                                                                                      | Aug. 1–May 15.   |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                            |                  |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                     | Aug. 1–May 15.   |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                       |                  |
| Beaver:                                                                                                                                                                                                                                                                                                                |                  |
| Unit 3—Mitkof Island—No limit .....                                                                                                                                                                                                                                                                                    | Dec. 1–Apr. 15.  |
| Unit 3—except Mitkof Island—No limit .....                                                                                                                                                                                                                                                                             | Dec. 1–May 15.   |
| Coyote:                                                                                                                                                                                                                                                                                                                |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                  |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Lynx:                                                                                                                                                                                                                                                                                                                  |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Marten:                                                                                                                                                                                                                                                                                                                |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                       |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Muskrat:                                                                                                                                                                                                                                                                                                               |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Otter:                                                                                                                                                                                                                                                                                                                 |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Dec. 1–Feb. 15.  |
| Wolf:                                                                                                                                                                                                                                                                                                                  |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Nov. 10–Apr. 30. |
| Wolverine:                                                                                                                                                                                                                                                                                                             |                  |
| No limit .....                                                                                                                                                                                                                                                                                                         | Nov. 10–Apr. 30. |

(4) *Unit 4.* (1) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesuirier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and

Windfall Islands, is closed to the taking of bears;

(B) The Salt Lake Bay Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(C) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(D) Northeast Chichagof Controlled Use Area (NECCUA) consisting of all

portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay, is closed to the use of any motorized land vehicle for brown bear hunting, or for the taking of marten, mink, or weasel.

(iii) Unit-specific regulations:

(A) Boats may not be used to take bear, wolves, or wolverine, except for persons certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another



Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must

obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no

more than two harvest limits in his/her possession at any one time;

(C) Chichagof Island is closed to the use of any motorized land vehicle for the taking of marten, mink, and weasel.

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Open season                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21' W. long.), to Rodgers point (57° 35' N. lat., 135° 33' W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57° 34' N. lat., 135° 25' W. long.), to the entrance of Gut Bay (56° 44' N. lat. 134° 38' W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only. | Sept. 15–Dec. 31.                    |
| Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Mar. 15–May 31.<br>Mar. 15–May 20.   |
| Remainder of Unit 4—1 bear every four regulatory years by State registration permit only .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sept. 15–Dec. 31.<br>Mar. 15–May 20. |
| Deer:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31 .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Aug. 1–Jan. 31.                      |
| Goat:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 1 goat by State registration permit only .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Aug. 1–Dec. 31.                      |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                      |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sept. 1–Apr. 30.                     |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 1–Feb. 15.                      |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| 5 hares per day .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sept. 1–Apr. 30.                     |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Dec. 1–Feb. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Aug. 1–Apr. 30.                      |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Nov. 10–Feb. 15.                     |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| 5 per day, 10 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Aug. 1–May 15.                       |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Aug. 1–May 15.                       |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                      |
| Unit 4—that portion east of Chatham Strait—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Dec. 1–May 15.                       |
| Remainder of Unit 4 .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | No open season.                      |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Feb. 15.                      |
| Fox, Red (including Cross, Black, and Silver Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Feb. 15.                      |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Feb. 15.                      |
| Marten:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                      |
| Unit 4—Chichagof Island—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Dec. 1–Dec. 31.                      |
| Remainder of Unit 4—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Dec. 1–Feb. 15.                      |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| Unit 4—Chichagof Island—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Dec. 1–Dec. 31.                      |
| Remainder of Unit 4—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Dec. 1–Feb. 15.                      |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Feb. 15.                      |
| Otter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Feb. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Nov. 10–Apr. 30.                     |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Nov. 10–Apr. 30.                     |

(5) Unit 5. (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the Eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) boats may not be used to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) unit 5 is open to brown bear hunting by Federal registration permit in lieu of a State metal locking tag; no State metal locking tag is required for taking a brown bear in Unit 5, provided that the hunter has obtained a Federal registration permit prior to hunting;

(D) The taking by residents of Unit 5(A) of up to 10 moose per regulatory

year in Unit 5(A), except Nunatak Bench, is allowed for ceremonial potlatches and other ceremonial uses, under the terms of a Federal registration permit. Moose may be taken from August 1 through December 31. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with any potlatch moose permitted by the State;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to

take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                     | Open season      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                  |
| Black Bear:                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| 2 bears, no more than one may be a blue or glacier bear .....                                                                                                                                                                                                                                                                                                                                                      | Sept. 1–June 30. |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| 1 bear by Federal registration permit only .....                                                                                                                                                                                                                                                                                                                                                                   | Sept. 1–May 31.  |
| Deer:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| Unit 5(A)—1 buck .....                                                                                                                                                                                                                                                                                                                                                                                             | Nov. 1–Nov. 30.  |
| Unit 5(B) .....                                                                                                                                                                                                                                                                                                                                                                                                    | No open season.  |
| Goat:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| 1 goat by State registration permit only .....                                                                                                                                                                                                                                                                                                                                                                     | Aug. 1–Dec. 31.  |
| Moose:                                                                                                                                                                                                                                                                                                                                                                                                             |                  |
| Unit 5(A), except Nunatak Bench—1 antlered bull by State registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 15–Oct. 21, public lands will be closed to taking of moose, except by rural Alaska residents of Unit 5(A). | Oct. 15–Nov. 15. |
| Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).                                                                                                                                                                                                                                                      | Sept. 1–Dec. 15. |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                                    | Sept. 1–Apr. 30. |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                               |                  |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                                                      | Nov. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| 5 hares per day .....                                                                                                                                                                                                                                                                                                                                                                                              | Sept. 1–Apr. 30. |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                       | Dec. 1–Feb. 15.  |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                                                                                     | Aug. 1–Apr. 30.  |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                         |                  |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                                  | Nov. 10–Feb. 15. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                                   |                  |
| 5 per day, 10 in possession .....                                                                                                                                                                                                                                                                                                                                                                                  | Aug. 1–May 15.   |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                        |                  |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                                 | Aug. 1–May 15.   |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                                                   |                  |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–May 15.  |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Dec. 1–Feb. 15.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                               |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Dec. 1–Feb. 15.  |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Dec. 1–Feb. 15.  |
| Marten:                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–Feb. 15. |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                                                   |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–Feb. 15. |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                                                           |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Dec. 1–Feb. 15.  |
| Otter:                                                                                                                                                                                                                                                                                                                                                                                                             |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–Feb. 15. |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–Apr. 30. |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                         |                  |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 10–Apr. 30. |

(6) Unit 6. (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin

drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood point;

(C) Unit 6(C) consists of drainages west of the bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6 (D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Goat Mountain goat observation area, which consists of that

portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the West by the Copper River, is closed to the taking of mountain goat;

(B) The Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) Coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights.

| Harvest limits                                                                                                                                                                                                            | Open season      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                                                                                                                                                                           |                  |
| Black Bear:                                                                                                                                                                                                               |                  |
| 1 bear .....                                                                                                                                                                                                              | Sept. 1–June 30. |
| Deer:                                                                                                                                                                                                                     |                  |
| 4 deer; however, antlerless deer may be taken only from Nov. 1–Dec. 31 .....                                                                                                                                              | Aug. 1–Dec. 31.  |
| Goats:                                                                                                                                                                                                                    |                  |
| Unit 6 (A), (B)—1 goat by State registration permit only .....                                                                                                                                                            | Aug. 20–Jan. 31. |
| Unit 6(C) .....                                                                                                                                                                                                           | No open season.  |
| Unit 6(D) (subareas RG242, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only .....                                                                                                           | Aug. 20–Jan. 31. |
| In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG244—2 goats, RG249—2 goats, RG266—4 goats, RG252—1 goat. |                  |
| Unit 6(D) (subareas RG243 and RG245)—The taking of goats is prohibited on all public lands .....                                                                                                                          | No open season.  |
| Coyote:                                                                                                                                                                                                                   |                  |
| Unit 6 (A) and (D)—2 coyotes .....                                                                                                                                                                                        | Sept. 1–Apr. 30. |
| Unit 6(B)—No limit .....                                                                                                                                                                                                  | July 1–June 30.  |
| Unit 6(C)—South of the Copper River Highway and east of the Heney Range—No limit .....                                                                                                                                    | July 1–June 30.  |
| Remainder of Unit 6(C)—No limit .....                                                                                                                                                                                     | July 1–June 30.  |
| Fox, Red (including Cross, Black and Silver Phases) .....                                                                                                                                                                 | No open season.  |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                               |                  |
| No limit .....                                                                                                                                                                                                            | July 1–June 30.  |
| Lynx .....                                                                                                                                                                                                                | No open season.  |
| Wolf:                                                                                                                                                                                                                     |                  |
| 5 wolves .....                                                                                                                                                                                                            | Aug. 10–Apr. 30. |
| Wolverine:                                                                                                                                                                                                                |                  |
| 1 Wolverine .....                                                                                                                                                                                                         | Sept. 1–Mar. 31. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                          |                  |
| 5 per day, 10 in possession .....                                                                                                                                                                                         | Aug. 1–May 15.   |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                               |                  |
| 20 per day, 40 in possession .....                                                                                                                                                                                        | Aug. 1–May 15.   |
| <b>Trapping:</b>                                                                                                                                                                                                          |                  |
| Beaver:                                                                                                                                                                                                                   |                  |
| Trapping—20 beaver per season .....                                                                                                                                                                                       | Dec. 1–Mar. 31.  |
| Coyote:                                                                                                                                                                                                                   |                  |
| Unit 6 (A), (B) and (D)—No limit .....                                                                                                                                                                                    | Nov. 10–Mar. 31. |
| Unit 6(C)—South of the Copper River Highway and east of the Heney Range—No limit .....                                                                                                                                    | Nov. 10–Apr. 30. |
| Remainder of Unit 6(c)—No limit .....                                                                                                                                                                                     | Nov. 10–Mar. 31. |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                      |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Feb. 28. |
| Marten:                                                                                                                                                                                                                   |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Jan. 31. |
| Mink and Weasel:                                                                                                                                                                                                          |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Jan. 31. |
| Muskrat:                                                                                                                                                                                                                  |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–June 10. |
| Otter:                                                                                                                                                                                                                    |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Mar. 31. |
| Wolf:                                                                                                                                                                                                                     |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Mar. 31. |
| Wolverine:                                                                                                                                                                                                                |                  |
| No limit .....                                                                                                                                                                                                            | Nov. 10–Feb. 28. |

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula

Drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Kenai Fjords National Park is closed to all subsistence uses;

(B) The Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of

Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, grouse, ptarmigan, hares, and squirrels may be hunted with shotguns after September 1.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15; except Resurrection Creek and its tributaries.

(B) [Reserved]

| Harvest limits                                                               | Open season      |
|------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                              |                  |
| Black Bear:                                                                  |                  |
| Unit 7—3 bears .....                                                         | July 1–June 30.  |
| Coyote:                                                                      |                  |
| No limit .....                                                               | Sept. 1–Apr. 30. |
| Fox, Red (including Cross, Black and Silver Phases):                         |                  |
| 2 foxes .....                                                                | Nov. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                  |                  |
| No limit .....                                                               | July 1–June 30.  |
| Wolf:                                                                        |                  |
| Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves ..... | Aug. 10–Apr. 30. |
| Unit 7—Remainder—5 wolves .....                                              | Aug. 10–Apr. 30. |
| Wolverine:                                                                   |                  |
| 1 wolverine .....                                                            | Sept. 1–Mar. 31. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                             |                  |
| 15 per day, 30 in possession .....                                           | Aug. 10–Mar. 31. |
| Ptarmigan (Rock, Willow, and White-tailed):                                  |                  |
| 20 per day, 40 in possession .....                                           | Aug. 10–Mar. 31. |
| <b>Trapping:</b>                                                             |                  |
| Beaver:                                                                      |                  |
| 20 Beaver per season .....                                                   | Dec. 1–Mar. 31.  |
| Coyote:                                                                      |                  |
| No limit .....                                                               | Nov. 10–Feb. 28. |
| Fox, Red (including Cross, Black and Silver Phases):                         |                  |
| No limit .....                                                               | Nov. 10–Feb. 28. |
| Marten:                                                                      |                  |
| No limit .....                                                               | Nov. 10–Jan. 31. |
| Mink and Weasel:                                                             |                  |
| No limit .....                                                               | Nov. 10–Jan. 31. |
| Muskrat:                                                                     |                  |
| No limit .....                                                               | Nov. 10–May 15.  |
| Otter:                                                                       |                  |
| No limit .....                                                               | Nov. 10–Feb. 28. |
| Wolf:                                                                        |                  |
| No limit .....                                                               | Nov. 10–Feb. 28. |
| Wolverine:                                                                   |                  |
| No limit .....                                                               | Nov. 10–Feb. 28. |

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) A firearm may be used to take beaver with a trapping license in Unit 8 from Nov. 10–Apr. 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community

operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Open season     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Deer:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Unit 8—that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57° 52' N. lat., 152° 58' W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to the mouth at Elbow Creek, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25–Oct. 31. | Aug. 1–Oct. 31. |

| Harvest limits                                                                                                                                                                                                                              | Open season      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the southwestern most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31. | Aug. 1–Dec. 31.  |
| Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.                                                                                | Aug. 1–Dec. 31.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                        |                  |
| 2 foxes .....                                                                                                                                                                                                                               | Sept. 1–Feb. 15. |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                 |                  |
| No limit .....                                                                                                                                                                                                                              | July 1–June 30.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                 |                  |
| 20 per day, 40 in possession .....                                                                                                                                                                                                          | Aug. 10–Apr. 30. |
| <b>Trapping:</b>                                                                                                                                                                                                                            |                  |
| Beaver:                                                                                                                                                                                                                                     |                  |
| 30 beaver per season .....                                                                                                                                                                                                                  | Nov. 10–Apr. 30. |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                        |                  |
| No limit .....                                                                                                                                                                                                                              | Nov. 10–Mar. 31. |
| Marten:                                                                                                                                                                                                                                     |                  |
| No limit .....                                                                                                                                                                                                                              | Nov. 10–Jan. 31. |
| Mink and Weasel:                                                                                                                                                                                                                            |                  |
| No limit .....                                                                                                                                                                                                                              | Nov. 10–Jan. 31. |
| Muskrat:                                                                                                                                                                                                                                    |                  |
| No limit .....                                                                                                                                                                                                                              | Nov. 10–June 10. |
| Otter:                                                                                                                                                                                                                                      |                  |
| No limit .....                                                                                                                                                                                                                              | Nov. 10–Jan. 31. |

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands;

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the

Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Katmai National Park is closed to all subsistence uses;

(B) The use of motorized vehicles, excluding aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts, is prohibited from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, this restriction does not apply to a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek;

(C) A firearm may be used under a trapping license to take beaver in Unit

9(B) from April 1–May 31 and in the remainder of Unit 9 from April 1–April 30;

(D) Unit 9(B) (Nondalton residents only) is open to brown bear hunting by Federal registration permit in lieu of a resident tag; no resident tag is required for taking a brown bear in Unit 9(B), provided that the hunter has obtained a Federal registration permit prior to hunting;

(E) The taking in Unit 9(B) by residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth of up to a total per regulatory year of 10 bull moose among the communities is allowed for ceremonial purposes, under the terms of a Federal registration permit. Bull moose may be taken from July 1 through June 30. Permits, available to all 5 communities, will be issued until all 10 permits are used to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State.

| Harvest limits                                                                               | Open season                                                                 |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Hunting:</b>                                                                              |                                                                             |
| Black Bear:                                                                                  |                                                                             |
| 3 bears .....                                                                                | July 1–June 30.                                                             |
| Brown Bear:                                                                                  |                                                                             |
| Unit 9(B)—Rural residents of Nondalton only—1 bear by Federal registration permit only ..... | Oct. 1–Oct. 21.<br>May 10–May 25.                                           |
| Unit 9(B)—1 bear every four regulatory years .....                                           | Oct. 1–Oct. 21.<br>(odd years only;<br>May 10–May 25.<br>(even years only). |
| Unit 9(E)—1 bear by Federal registration permit or State harvest tag .....                   | Oct. 1–Dec. 31.<br>May 10–May 25.                                           |
| Caribou:                                                                                     |                                                                             |

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Open season       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.                                                                                                                                                                                                                                                                                                                                                                             | Aug. 10–Mar. 31.  |
| Unit 9(C)—4 caribou; however, no more than 1 may be a cow, no more than 2 caribou may be taken Aug. 10–Nov. 30, and no more than 1 caribou may be taken per calendar month between Dec. 1–Mar. 31.                                                                                                                                                                                                                                                                                                                     | Aug. 10–Mar. 31.  |
| Unit 9(B)—5 caribou; however no more than 2 may be bulls                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 1–Apr. 15.   |
| Unit 9(D)—closed to all hunting of caribou                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No open season.   |
| Unit 9(E)—that portion southwest of the headwaters of Fireweed and blueberry Creeks (north of Mt. Veniaminof) to and including the Sandy River drainage on the Bristol Bay side of the Alaska Peninsula; and that portion south of Seal Cape to Ramsey Bay on the Pacific side of the Alaska Peninsula divide is closed to all hunting of caribou.                                                                                                                                                                     | No open season.   |
| Remainder of Unit 9(E)—4 caribou                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Aug. 10–Apr. 30.  |
| Sheep:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
| Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth only—1 ram with 7/8 curl horn by Federal registration permit only.                                                                                                                                                                                                                                                                                                                                                                   | Aug. 10–Oct. 10.  |
| Remainder of Unit 9—1 ram with 7/8 curl horn                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Sept. 20. |
| Moose:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
| Unit 9(A)—1 antlered bull                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sept. 1–Sept. 15. |
| Unit 9(B)—1 antlered bull                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Aug. 20–Sept. 15. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Dec. 1–Dec. 31.   |
| Unit 9(C)—that portion draining into the Naknek River from the north—1 antlered bull                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sept. 1–Sept. 15. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Dec. 1–Dec. 31.   |
| Unit 9(C)—that portion draining into the Naknek River from the south—1 antlered bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents during seasons identified above. | Aug. 20–Sept. 15. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
| Remainder of Unit 9(C)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31                                                                                                                                                                                                                                                                                                                                                                                                                        | Dec. 1–Dec. 31.   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Sept. 1–Sept. 15. |
| Unit 9(E)—1 antlered bull                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Dec. 31.   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Sept. 1–Sept. 20. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Dec. 1–Dec. 31.   |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |
| 2 coyotes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sept. 1–Apr. 30.  |
| Fox, Arctic (Blue and White):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Dec. 1–Mar. 15.   |
| Fox, Red (including Cross, Black and Silver phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |
| 2 foxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Sept. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | July 1–June 30.   |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| 2 lynx                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Nov. 10–Feb. 28.  |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| 5 wolves                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                   |
| 1 wolverine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sept. 1–Mar. 31.  |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| 15 per day, 30 in possession                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Apr. 30.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                   |
| 20 per day, 40 in possession                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Apr. 30.  |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |
| Unit 9(B)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31                                                                                                                                                                                                                                                                                                                                                                                                                            | Jan. 1–May 31.    |
| Remainder of Unit 9—40 beaver per season; however, no more than 20 may be taken between Apr. 1–Apr. 30                                                                                                                                                                                                                                                                                                                                                                                                                 | Jan. 1–Apr. 30.   |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |
| Fox, Arctic (blue and White):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Marten:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–June 10.  |
| Otter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                   |
| No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |

(10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands.

(ii) On Otter Island in the Pribilof Islands the taking of any wildlife

species for subsistence uses is prohibited.

| Harvest limits                                       | Open season      |
|------------------------------------------------------|------------------|
| <b>Hunting:</b>                                      |                  |
| Caribou:                                             |                  |
| Unit 10—Unimak Island only .....                     | No open season.  |
| Remainder of Unit 10—No limit .....                  | July 1–June 30.  |
| Coyote:                                              |                  |
| 2 coyotes .....                                      | Sept. 1–Apr. 30. |
| Fox, Arctic (Blue and White Phase):                  |                  |
| No limit .....                                       | July 1–Feb. 15.  |
| Hare (Snowshoe and tundra):                          |                  |
| No Limit .....                                       | July 1–June 30.  |
| Fox, Red (including Cross, Black and Silver Phases): |                  |
| 2 foxes .....                                        | Sept. 1–June 30. |
| Wolf:                                                |                  |
| 5 wolves .....                                       | Aug. 10–Apr. 30. |
| Wolverine:                                           |                  |
| 1 wolverine .....                                    | Sept. 1–Mar. 31. |
| Ptarmigan (Rock, Willow, and White-tailed):          |                  |
| 20 per day, 40 in possession .....                   | Aug. 10–Apr. 30. |
| <b>Trapping:</b>                                     |                  |
| Coyote:                                              |                  |
| 2 coyotes .....                                      | Sept. 1–Apr. 30. |
| Fox, Arctic (Blue and White Phase):                  |                  |
| No limit .....                                       | July 1–June 30.  |
| Fox, Red (including Cross, Black and Silver Phases): |                  |
| 2 foxes .....                                        | Sept. 1–Feb. 15. |
| Mink and Weasel:                                     |                  |
| No limit .....                                       | Nov. 10–Feb. 28. |
| Muskrat:                                             |                  |
| No limit .....                                       | Nov. 10–June 10. |
| Otter:                                               |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Wolf:                                                |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Wolverine:                                           |                  |
| No limit .....                                       | Nov. 10–Feb. 28. |

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into

the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.  
(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.  
(B) [Reserved]  
(ii) [Reserved]

| Harvest limits                                                                                                                             | Open season       |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Hunting:</b>                                                                                                                            |                   |
| Black Bear:                                                                                                                                |                   |
| 3 bears .....                                                                                                                              | July 1–June 30.   |
| Caribou:                                                                                                                                   |                   |
| Closed to all hunting of caribou .....                                                                                                     | No open season.   |
| Sheep:                                                                                                                                     |                   |
| 1 sheep .....                                                                                                                              | Aug. 10–Sept. 20. |
| Moose:                                                                                                                                     |                   |
| 1 antlered bull .....                                                                                                                      | Aug. 25–Sept. 20. |
| Coyote:                                                                                                                                    |                   |
| 2 coyotes .....                                                                                                                            | Sept. 1–Apr. 30.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                       |                   |
| 2 foxes .....                                                                                                                              | Sept. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                |                   |
| No limit .....                                                                                                                             | July 1–June 30.   |
| Lynx:                                                                                                                                      |                   |
| 2 lynx .....                                                                                                                               | Dec. 15–Jan. 15.  |
| Wolf:                                                                                                                                      |                   |
| 5 wolves .....                                                                                                                             | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                 |                   |
| 1 wolverine. Public lands are closed to the taking of wolverine except by eligible rural Alaska residents during seasons identified above. | Sept. 1–Jan. 31.  |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                           |                   |
| 15 per day, 30 in possession .....                                                                                                         | Aug. 10–Mar. 31.  |

| Harvest limits                                                                                                                                           | Open season      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Ptarmigan (Rock, Willow, and White-tailed):<br>20 per day, 40 in possession .....                                                                        | Aug. 10–Mar. 31. |
| <b>Trapping:</b>                                                                                                                                         |                  |
| Beaver:<br>30 beaver per season .....                                                                                                                    | Nov. 10–Apr. 30. |
| Coyote:<br>No limit .....                                                                                                                                | Nov. 10–Mar. 31. |
| Fox, Red (including Cross, Black and Silver Phases):<br>No limit .....                                                                                   | Nov. 10–Feb. 28. |
| Lynx:<br>No limit .....                                                                                                                                  | Dec. 1–Jan. 15.  |
| Marten:<br>No limit .....                                                                                                                                | Nov. 10–Jan. 31. |
| Mink and Weasel:<br>No limit .....                                                                                                                       | Nov. 10–Jan. 31. |
| Muskrat:<br>No limit .....                                                                                                                               | Nov. 10–June 10. |
| Otter:<br>No limit .....                                                                                                                                 | Nov. 10–Mar. 31. |
| Wolf:<br>No limit .....                                                                                                                                  | Nov. 10–Mar. 31. |
| Wolverine:<br>2 wolverine. Public lands are closed to the taking of wolverine except by eligible rural Alaska residents during seasons identified above. | Nov. 10–Jan. 31. |

(12) *Unit 12.* Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River

drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Trapping of wolves in Unit 12 during April and October with a steel trap, or with a snare using cable smaller than  $\frac{3}{32}$  inch diameter, is prohibited.  
(ii) [Reserved]

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                            | Open season                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |                                             |
| Black Bear:<br>3 bears .....                                                                                                                                                                                                                                                                                                                                                                                                              | July 1–June 30.                             |
| Caribou:<br>Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek, and Totschunda Creek—The taking of caribou is prohibited on public lands.                                                                                                                                                                                                                                                  | No open season.                             |
| Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on public lands.                                                                                                                                                                                                                                       | No open season.                             |
| Remainder of Unit 12—1 bull .....                                                                                                                                                                                                                                                                                                                                                                                                         | Sept. 1–Sept. 20.                           |
| 1 bull caribou may be taken by a Federal registration permit during a winter season to be announced for the rural Alaska residents of Tetlin and Northway only.                                                                                                                                                                                                                                                                           | Winter season to be announced by the Board. |
| Sheep:<br>1 ram with full curl horn or larger .....                                                                                                                                                                                                                                                                                                                                                                                       | Aug. 10–Sept. 20.                           |
| Moose:<br>Unit 12—that portion drained by the Tanana, Nabesna, and Chisana Rivers within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull. The November season is open by Federal registration permit only. | Sept. 1–Sept. 15.                           |
| Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull.                                                                                                                                                                                                                                                                           | Nov. 20–Nov. 30.                            |
| Unit 12—Remainder —1 antlered bull .....                                                                                                                                                                                                                                                                                                                                                                                                  | Sept. 1–Sept. 30.                           |
| Coyote:<br>2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                                                | Sept. 1–Sept. 12.                           |
| Fox, Red (including Cross, Black and Silver Phases):<br>10 foxes; however, no more than 2 foxes may be taken prior to Oct 1 .....                                                                                                                                                                                                                                                                                                         | Sept. 1–Apr. 30.                            |
| Hare (Snowshoe and Tundra):<br>No limit .....                                                                                                                                                                                                                                                                                                                                                                                             | Sept. 1–Mar. 15.                            |
| Lynx:<br>2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                                     | July 1–June 30.                             |
| Wolf:<br>5 wolves .....                                                                                                                                                                                                                                                                                                                                                                                                                   | Nov. 1–Jan. 31.                             |
| Wolverine:<br>1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Apr. 30.                            |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):<br>15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                                                                    | Sept. 1–Mar. 31.                            |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Mar. 31.                            |



| Harvest limits                                       | Open season       |
|------------------------------------------------------|-------------------|
| 30 per day, 40 in possession .....                   | Aug. 10–Apr. 30.  |
| <b>Trapping:</b>                                     |                   |
| Beaver:                                              |                   |
| 15 beaver per season .....                           | Nov. 1–Apr. 15.   |
| Coyote:                                              |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Fox, Red (including Cross, Black and Silver Phases): |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Lynx:                                                |                   |
| No limit .....                                       | Dec. 1–Jan. 15.   |
| Marten:                                              |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Mink and Weasel:                                     |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Muskrat:                                             |                   |
| No limit .....                                       | Sept. 20–June 10. |
| Otter:                                               |                   |
| No limit .....                                       | Nov. 1–Apr. 15.   |
| Wolf:                                                |                   |
| No limit .....                                       | Oct. 1–Apr. 30.   |
| Wolverine:                                           |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River;

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with

the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Subsistence uses as authorized by § \_\_\_\_\_.25(k)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, the use of motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B)

bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson

Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with

Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.

(B) [Reserved]

| Harvest limits                                                                                                                                                                                                                                                                    | Open season       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                   |                   |
| Black Bear:                                                                                                                                                                                                                                                                       |                   |
| 3 bears .....                                                                                                                                                                                                                                                                     | July 1–June 30.   |
| Caribou:                                                                                                                                                                                                                                                                          |                   |
| 2 caribou by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline. | Aug. 10–Sept. 30. |
|                                                                                                                                                                                                                                                                                   | Jan. 5–Mar. 31    |
| Sheep:                                                                                                                                                                                                                                                                            |                   |
| Unit 13—excluding Unit 13(D) and the Tok and Delta Management Areas—1 ram with 7/8 curl horn .....                                                                                                                                                                                | Aug. 10–Sept. 20. |
| Moose:                                                                                                                                                                                                                                                                            |                   |
| 1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household .....                                                                                                                                                                       | Aug. 1–Sept. 20.  |
| Coyote:                                                                                                                                                                                                                                                                           |                   |
| 2 coyotes .....                                                                                                                                                                                                                                                                   | Sept. 1–Apr. 30.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                              |                   |
| 2 foxes .....                                                                                                                                                                                                                                                                     | Sept. 1–Feb. 15   |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                       |                   |
| No limit .....                                                                                                                                                                                                                                                                    | July 1–June 30.   |
| Lynx:                                                                                                                                                                                                                                                                             |                   |
| 2 lynx .....                                                                                                                                                                                                                                                                      | Dec. 15–Jan. 15.  |
| Wolf:                                                                                                                                                                                                                                                                             |                   |
| 5 wolves .....                                                                                                                                                                                                                                                                    | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                                                                                                                                                        |                   |
| 1 wolverine .....                                                                                                                                                                                                                                                                 | Sept. 1–Jan. 31.  |
| Public lands are closed to the taking of wolverine, except by eligible rural Alaska residents during seasons identified above                                                                                                                                                     |                   |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                  |                   |
| 15 per day, 30 in possession .....                                                                                                                                                                                                                                                | Aug. 10–Mar. 31.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                       |                   |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                | Aug. 10–Mar. 31.  |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                  |                   |
| Beaver:                                                                                                                                                                                                                                                                           |                   |
| 30 beaver per season .....                                                                                                                                                                                                                                                        | Oct. 10–Apr. 30.  |
| Coyote:                                                                                                                                                                                                                                                                           |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Mar. 31.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                              |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Feb. 28.  |
| Lynx:                                                                                                                                                                                                                                                                             |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Dec. 1–Jan. 15.   |
| Marten:                                                                                                                                                                                                                                                                           |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Jan. 31.  |
| Mink and Weasel:                                                                                                                                                                                                                                                                  |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Jan. 31.  |
| Muskrat:                                                                                                                                                                                                                                                                          |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–June 10.  |
| Otter:                                                                                                                                                                                                                                                                            |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Mar. 31.  |
| Wolf:                                                                                                                                                                                                                                                                             |                   |
| No limit .....                                                                                                                                                                                                                                                                    | Nov. 10–Mar. 31.  |
| Wolverine:                                                                                                                                                                                                                                                                        |                   |
| 2 wolverine .....                                                                                                                                                                                                                                                                 | Nov. 10–Jan. 31.  |
| Public lands are closed to the taking of wolverine, except by eligible rural Alaska residents during seasons identified above.                                                                                                                                                    |                   |

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the

Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the

eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A); and

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) the Fort Richardson Management Area, consisting of the Fort Richardson

Military Reservation, is restricted to the subsistence taking of ungulates, bear, wolves, or wolverine by permit only;

(B) the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including

Rainbow Creek is closed to subsistence taking of wildlife for subsistence uses.

(iii) Unit-specific regulations:

(A) In Unit 14(A), bait may be used to hunt black bear between April 15 and May 25;

(B) [Reserved]

| Harvest limits                                                                                                                                                                                   | Open season                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                  |                                    |
| Black Bear:                                                                                                                                                                                      |                                    |
| Unit 14 (A) and (C)—1 bear .....                                                                                                                                                                 | July 1–June 30.                    |
| Brown Bear:                                                                                                                                                                                      |                                    |
| Unit 14(A)—1 bear every four regulatory years .....                                                                                                                                              | Sept. 15–Oct. 10.<br>May 1–May 25. |
| Coyote:                                                                                                                                                                                          |                                    |
| Unit 14 (A) and (C)—2 coyotes .....                                                                                                                                                              | Sept. 1–Apr. 30.                   |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                             |                                    |
| Unit 14—2 foxes .....                                                                                                                                                                            | Nov. 1–Feb. 15                     |
| Hare (Snowshoe and Tundra):                                                                                                                                                                      |                                    |
| Unit 14(A)—5 hares per day .....                                                                                                                                                                 | July 1–June 30.                    |
| Unit 14(C)—5 hares per day .....                                                                                                                                                                 | Sept. 8–Apr. 30.                   |
| Lynx:                                                                                                                                                                                            |                                    |
| 2 lynx .....                                                                                                                                                                                     | Dec. 15–Jan. 15.                   |
| Wolf:                                                                                                                                                                                            |                                    |
| 5 wolves .....                                                                                                                                                                                   | Aug. 10–Apr. 30.                   |
| Wolverine:                                                                                                                                                                                       |                                    |
| 1 wolverine .....                                                                                                                                                                                | Sept. 1–Mar. 31.                   |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                 |                                    |
| Unit 14(A)—15 per day, 30 in possession .....                                                                                                                                                    | Aug. 10–Mar. 31.                   |
| Unit 14(C)—5 per day, 10 in possession .....                                                                                                                                                     | Sept. 8–Mar. 31.                   |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                      |                                    |
| Unit 14(A)—10 per day, 20 in possession .....                                                                                                                                                    | Aug. 10–Mar. 31.                   |
| Unit 14(C)—10 per day, 20 in possession .....                                                                                                                                                    | Sept. 8–Mar. 31.                   |
| Remainder of Unit 14—20 per day, 40 in possession .....                                                                                                                                          | Aug. 10–Mar. 31.                   |
| <b>Trapping:</b>                                                                                                                                                                                 |                                    |
| Beaver:                                                                                                                                                                                          |                                    |
| Unit 14(A)—30 beaver per season .....                                                                                                                                                            | Nov. 10–Apr. 30.                   |
| Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season. | Dec. 1–Apr. 15.                    |
| Coyote:                                                                                                                                                                                          |                                    |
| Unit 14(A)—No limit .....                                                                                                                                                                        | Nov. 10–Mar. 31.                   |
| Unit 14(C)—No limit .....                                                                                                                                                                        | Nov. 10–Feb. 28.                   |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                             |                                    |
| Unit 14(A)—No limit .....                                                                                                                                                                        | Nov. 10–Feb. 28.                   |
| Unit 14(C)—1 fox .....                                                                                                                                                                           | Nov. 10–Feb. 28.                   |
| Marten:                                                                                                                                                                                          |                                    |
| No limit .....                                                                                                                                                                                   | Nov. 10–Jan. 31.                   |
| Mink and Weasel:                                                                                                                                                                                 |                                    |
| No limit .....                                                                                                                                                                                   | Nov. 10–Jan. 31.                   |
| Muskrat:                                                                                                                                                                                         |                                    |
| No limit .....                                                                                                                                                                                   | Nov. 10–May 15.                    |
| Otter                                                                                                                                                                                            |                                    |
| Unit 14(A)—No limit .....                                                                                                                                                                        | Nov. 10–Mar. 31.                   |
| Unit 14(C)—No limit .....                                                                                                                                                                        | Nov. 10–Feb. 28.                   |
| Wolf:                                                                                                                                                                                            |                                    |
| Unit 14(A)—No limit .....                                                                                                                                                                        | Nov. 10–Mar. 31.                   |
| Unit 14(C)—No limit .....                                                                                                                                                                        | Nov. 10–Feb. 28.                   |
| Wolverine:                                                                                                                                                                                       |                                    |
| No limit .....                                                                                                                                                                                   | Nov. 10–Feb. 28.                   |

(15) Unit 15. (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150°00' W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150°00' W.

to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) The Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning

at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, when westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop

Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning, is closed to the taking of wildlife, except that grouse and ptarmigan may be taken only from October 1–March 1 by bow and arrow only.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15;

(B) The Skilak Loop Wildlife Management Area is closed to subsistence trapping of furbearers;

(C) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

(D) Taking a red fox in Unit 15 by any means other than a steel trap or snare is prohibited.

| Harvest limits                                                                                                                                             | Open season       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Hunting:</b>                                                                                                                                            |                   |
| Black Bear:                                                                                                                                                |                   |
| 3 bears .....                                                                                                                                              | July 1–June 30.   |
| Moose:                                                                                                                                                     |                   |
| Unit 15 (B) and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. | Aug. 10–Sept. 20. |
| Unit 15(A) .....                                                                                                                                           | No open season.   |
| Coyote:                                                                                                                                                    |                   |
| No limit .....                                                                                                                                             | Sept. 1–Apr. 30.  |
| Hare (Snowshoe and Tundra):                                                                                                                                |                   |
| No limit .....                                                                                                                                             | July 1–June 30.   |
| Wolf:                                                                                                                                                      |                   |
| Unit 15—that portion within the Kenai National Wildlife Refuge—2 Wolves .....                                                                              | Aug. 10–Apr. 30.  |
| Unit 15—Remainder—5 Wolves .....                                                                                                                           | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                                 |                   |
| 1 Wolverine .....                                                                                                                                          | Sept. 1–Mar. 31.  |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                           |                   |
| 15 per day, 30 in possession .....                                                                                                                         | Aug. 10–Mar. 31.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                |                   |
| Unit 15 (A) and (B)—20 per day, 40 in possession .....                                                                                                     | Aug. 10–Mar. 31.  |
| Unit 15(C)—20 per day, 40 in possession .....                                                                                                              | Aug. 10–Dec. 31.  |
| Unit 15(C)—5 per day, 10 in possession .....                                                                                                               | Jan. 1–Mar. 31.   |
| <b>Trapping:</b>                                                                                                                                           |                   |
| Beaver:                                                                                                                                                    |                   |
| 20 Beaver per season .....                                                                                                                                 | Dec. 1–Mar. 31.   |
| Coyote:                                                                                                                                                    |                   |
| No limit .....                                                                                                                                             | Nov. 10–Feb. 28.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                       |                   |
| 1 Fox .....                                                                                                                                                | Nov. 10–Feb. 28.  |
| Marten:                                                                                                                                                    |                   |
| Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River and Skilak Glacier .....                                                        | No open season.   |
| Remainder of Unit 15—No limit .....                                                                                                                        | Nov. 10–Jan. 31.  |
| Mink and Weasel:                                                                                                                                           |                   |
| No limit .....                                                                                                                                             | Nov. 10–Jan. 31.  |
| Muskrat:                                                                                                                                                   |                   |
| No limit .....                                                                                                                                             | Nov. 10–May 15.   |
| Other:                                                                                                                                                     |                   |
| Unit 15 (A), (B)—No limit .....                                                                                                                            | Nov. 10–Jan. 31.  |
| Unit 15(C)—No limit .....                                                                                                                                  | Nov. 10–Feb. 28.  |
| Wolf:                                                                                                                                                      |                   |
| No limit .....                                                                                                                                             | Nov. 10–Feb. 28.  |
| Wolf:                                                                                                                                                      |                   |
| No limit .....                                                                                                                                             | Nov. 10–Feb. 28.  |
| Wolverine:                                                                                                                                                 |                   |
| Unit 15 (B) and (C)—No limit .....                                                                                                                         | Nov. 10–Feb. 28.  |

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River,

and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) The Mount McKinley National Park, as it existed prior to December 2, 1980, is closed to subsistence uses. Subsistence uses as authorized by § \_\_\_\_\_.25(k)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.

(B) [Reserved]

| Harvest limits                                                                                                                                                   | Open season       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Hunting:</b>                                                                                                                                                  |                   |
| Black Bear:                                                                                                                                                      |                   |
| 3 bears .....                                                                                                                                                    | July 1–June 30.   |
| Caribou:                                                                                                                                                         |                   |
| 1 caribou .....                                                                                                                                                  | Aug. 10–Oct. 31.  |
| Moose:                                                                                                                                                           |                   |
| Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull ....                                               | Sept. 1–Sept. 15. |
| Remainder of Unit 16(B)—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only. | Sept. 1–Sept. 30. |
|                                                                                                                                                                  | Dec. 1–Feb. 28.   |
| Coyote:                                                                                                                                                          |                   |
| 2 coyotes .....                                                                                                                                                  | Sept. 1–Apr. 30.  |
| Fox, RED (including Cross, Black and Silver Phases):                                                                                                             |                   |
| 2 foxes .....                                                                                                                                                    | Sept. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                                      |                   |
| No limit .....                                                                                                                                                   | July 1–June 30.   |
| Lynx:                                                                                                                                                            |                   |
| 2 lynx .....                                                                                                                                                     | Dec. 15–Jan. 15.  |
| Wolf:                                                                                                                                                            |                   |
| 5 wolves .....                                                                                                                                                   | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                                       |                   |
| 1 Wolverine .....                                                                                                                                                | Sept. 1–Mar. 31.  |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                 |                   |
| 15 per day, 30 in possession .....                                                                                                                               | Aug. 10–Mar. 31.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                      |                   |
| 20 per day, 40 in possession .....                                                                                                                               | Aug. 10–Mar. 31.  |
| <b>Trapping:</b>                                                                                                                                                 |                   |
| Beaver:                                                                                                                                                          |                   |
| 30 beaver per season .....                                                                                                                                       | Nov. 10–Apr. 30.  |
| Coyote:                                                                                                                                                          |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Mar. 31.  |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                             |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Feb. 28.  |
| Marten:                                                                                                                                                          |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Jan. 31.  |
| Mink and Weasel:                                                                                                                                                 |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Jan. 31.  |
| Muskrat:                                                                                                                                                         |                   |
| No limit .....                                                                                                                                                   | Nov. 10–June 10.  |
| Otter:                                                                                                                                                           |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Mar. 31.  |
| Wolf:                                                                                                                                                            |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Mar. 31.  |
| Wolverine:                                                                                                                                                       |                   |
| No limit .....                                                                                                                                                   | Nov. 10–Feb. 28.  |

(17) Unit 17. (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands;

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legally permitted hunting camps, the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), is closed from Aug. 1–Nov. 1 to the use of any motorized vehicle for hunting ungulates, bear, wolves and wolverine, including transportation of hunters and parts of ungulates, bear, wolves or wolverine;

(B) The Western Alaska Brown Bear Management Area which consists of

Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 15.

(B) [Reserved]

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                               | Open season       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                              |                   |
| Black Bear:                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| 3 bears .....                                                                                                                                                                                                                                                                                                                                                                                                | July 1–June 30.   |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| Unit 17(A) and that portion of Unit 17(B) draining into the Nuyakuk Lake and Tikchik Lake—1 bear .....                                                                                                                                                                                                                                                                                                       | Sept. 1–May 31.   |
| Reminder of Unit 17(B)—1 bear every four regulatory years. ....                                                                                                                                                                                                                                                                                                                                              | Sept. 20–Oct. 10. |
|                                                                                                                                                                                                                                                                                                                                                                                                              | May 10–May 25.    |
| Unit 17(C)—1 bear every four regulatory years .....                                                                                                                                                                                                                                                                                                                                                          | Sept. 10–Oct. 10. |
|                                                                                                                                                                                                                                                                                                                                                                                                              | Apr. 10–May 25.   |
| Caribou:                                                                                                                                                                                                                                                                                                                                                                                                     |                   |
| Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—1 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above. | Jan. 1–Mar. 31.   |
| Unit 17(B) and (C)—portion of 17(C) east of the Nushagak River—5 caribou; however, no more than 2 caribou may be bulls.                                                                                                                                                                                                                                                                                      | Aug. 1–Apr. 15.   |
| Sheep:                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| 1ram with full curl horn or larger .....                                                                                                                                                                                                                                                                                                                                                                     | Aug. 10–Sept. 20. |
| Moose:                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| Unit 17(B)—that portion that includes all the Mulchatna River Drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.                                                   | Aug. 20–Sept. 15. |
| Remainder of Unit 17(B)—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.                                                                                                                                                            | Aug. 20–Sept. 15. |
|                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Dec. 31.   |
| Unit 17(C)—that portion that includes the Iowithia drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brown tines on one side may be taken with a State harvest ticket.                                      | Aug. 20–Sept. 15. |
| Remainder of Unit 17(C)—1 bull by State registration permit only; however, during the period Sept. 1–Sept. 15 a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest.                                                                                                                                                                   | Aug. 20–Sept. 15. |
|                                                                                                                                                                                                                                                                                                                                                                                                              | Dec. 1–Dec. 31.   |
| Coyote                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                              | Sept. 1–Apr. 30.  |
| Fox, Arctic (Blue and White Base):                                                                                                                                                                                                                                                                                                                                                                           |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Dec. 1–Mar. 15.   |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                         |                   |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                                                | Sept. 1–Feb. 15.  |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                  |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | July 1–June 30.   |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                 | Nov. 10–Feb. 28.  |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Apr. 30.  |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                   |                   |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                            | Sept. 1–Mar. 31.  |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                             |                   |
| 15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Apr. 30.  |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                  |                   |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                           | Aug. 10–Apr. 30.  |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                                             |                   |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                      |                   |
| Unit 17(A)—20 beaver per season .....                                                                                                                                                                                                                                                                                                                                                                        | Jan. 1–Feb. 28.   |
| Unit 17 (B) and (C)—20 beaver per season .....                                                                                                                                                                                                                                                                                                                                                               | Jan. 1–Feb. 28.   |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                      |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |
| Fox, Arctic (Blue and White Phase):                                                                                                                                                                                                                                                                                                                                                                          |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Fox, Red (Including Cross, Black and Silver phases):                                                                                                                                                                                                                                                                                                                                                         |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Marten:                                                                                                                                                                                                                                                                                                                                                                                                      |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                                             |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Feb. 28.  |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                                                     |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–June 10.  |
| Otter:                                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                               | Nov. 10–Mar. 31.  |

| Harvest limits               | Open season      |
|------------------------------|------------------|
| Wolverine:<br>No limit ..... | Nov. 10–Feb. 28. |

## (18) Unit 18.

(i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainage flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) The Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly

to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag is closed to the use of aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) The Western Alaska Brown Bear Management Area which consists of

Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

## (iii) Unit-specific regulations:

(A) A firearm may be used to take beaver under a trapping license in Unit 18 from Apr. 1–Jun. 10.

(B) [Reserved]

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Open season                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                |
| Black Bear:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |
| 3 bears .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | July 1–June 30.                |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |
| 1 bear .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Sept. 1–May 31.                |
| Caribou:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
| Unit 18—that portion south of the Yukon River—Kilbuck caribou herd; rural Alaska residents domiciled in Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmauthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills, only. A Federal registration permit is required. The number of permits available for these hunts will be determined at a later date. The season will be closed when the total harvest reaches guidelines as described in the approved "Oavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan." | Dec. 15–Jan. 9.                |
| Unit 18—that portion north of the Yukon River—5 caribou per day .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Feb. 23–Mar. 15                |
| Remainder of Unit 18 .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Aug. 1–Mar. 31.                |
| Moose:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No open season.                |
| Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage—1 antlered bull.                                                                                                                                                                                                                                                                                                                                                                                                           | Sept. 5–Sept. 25.              |
| Unit 18—Goodnews River and Kanektok River drainages .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | No open season.                |
| Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.                                                                                                                                                                                                                                                                                                                                                                                                                                        | Aug. 25–Sept. 25.              |
| Remainder of Unit 18—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Winter season to be announced. |
| Public lands in Unit 18 are closed to the hunting of moose, except by rural Alaska residents of Unit 18 and Upper Kalskag during seasons identified above.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Sept. 1–Sept. 30.              |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Winter season to be announced. |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sept. 1–Apr. 30.               |
| Fox, Arctic (Blue and White Phase):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sept. 1–Apr. 30.               |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Sept. 1–Mar. 15.               |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | July 1–June 30.                |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Nov. 10–Mar. 31.               |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Aug. 10–Apr. 30.               |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sept. 1–Mar. 31.               |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                |
| 15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Aug. 10–Apr. 30.               |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Aug. 10–May 30.                |

| Harvest limits                                       | Open season      |
|------------------------------------------------------|------------------|
| <b>Trapping:</b>                                     |                  |
| Beaver:                                              |                  |
| No limit .....                                       | Nov. 1–June 10.  |
| Coyote:                                              |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Fox, Arctic (blue and White Phase):                  |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Fox, Red (including Cross, Black and Silver Phases): |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Lynx:                                                |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Marten:                                              |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Mink and Weasel:                                     |                  |
| No limit .....                                       | Nov. 10–Jan. 31. |
| Muskrat:                                             |                  |
| No limit .....                                       | Nov. 10–June 10. |
| Otter:                                               |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Wolf:                                                |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |
| Wolverine:                                           |                  |
| No limit .....                                       | Nov. 10–Mar. 31. |

(19) *Unit 19.*

(i) Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag;

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consist of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by § \_\_\_\_\_.25(k)(19) are permitted on Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) The Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152°50' W., long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide

between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) The Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19 (A) and (B) downstream of and including the Aniak River drainage, is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Western Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting.

(iii) Unit-specific regulation:

(A) Bait may be used to hunt black bear between April 15 and June 30.

(B) [Reserved]

| Harvest limits                                                                                             | Open season      |
|------------------------------------------------------------------------------------------------------------|------------------|
| <b>Hunting:</b>                                                                                            |                  |
| Black Bear:                                                                                                |                  |
| 3 bears .....                                                                                              | July 1–June 30.  |
| Brown Bear:                                                                                                |                  |
| Unit 19(A) and (B) that portion which is downstream of and including the Aniak River drainage—1 bear ..... | Sept. 1–May 31.  |
| Remainder of Unit 19(A), (B), and (D)—1 bear ever four regulatory years .....                              | Sept. 10–May 25. |



| Harvest limits                                                                                                                                                                                                                                                                                        | Open season                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Caribou:                                                                                                                                                                                                                                                                                              |                                                                                                                                       |
| Unit 19(A) north of Kuskokwim River—1 caribou .....                                                                                                                                                                                                                                                   | Aug. 10–Sept. 30.<br>Nov. 1–Feb. 28.<br>Aug. 1–Apr. 15.                                                                               |
| Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou..                                                                                                                                                                                |                                                                                                                                       |
| Unit 19(C)—1 caribou .....                                                                                                                                                                                                                                                                            | Aug. 10–Oct. 10.                                                                                                                      |
| Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou .....                                                                                                                                                                                                | Aug. 10–Sept. 30.<br>Nov. 1–Jan. 31.<br>Aug. 10–Sept. 30.                                                                             |
| Remainder of Unit 19(D)—1 caribou .....                                                                                                                                                                                                                                                               | July 1–June 30.                                                                                                                       |
| Unit 19—Rural Alaska residents domiciled in Lime Village only; no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.                                                        |                                                                                                                                       |
| Sheep:                                                                                                                                                                                                                                                                                                |                                                                                                                                       |
| 1 ram with $\frac{7}{8}$ curl .....                                                                                                                                                                                                                                                                   | Aug. 10–Sept. 20.                                                                                                                     |
| Moose:                                                                                                                                                                                                                                                                                                |                                                                                                                                       |
| Unit 19—Rural Alaska residents of Lime Village only—No individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.                                                       | July 1–June 30.                                                                                                                       |
| Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season. | Sept. 1–Sept. 20.                                                                                                                     |
|                                                                                                                                                                                                                                                                                                       | Nov. 20–Nov. 30.<br>Jan. 1–Jan. 10.<br>Feb. 1–Feb. 10.<br>Sept. 1–Sept. 20.<br>Nov. 20–Nov. 30.<br>Jan. 1–Jan. 10.<br>Feb. 1–Feb. 10. |
| Remainder of Unit 19(A)—1 bull .....                                                                                                                                                                                                                                                                  | Sept. 1–Sept. 30.                                                                                                                     |
| Unit 19(B)—1 antlered bull .....                                                                                                                                                                                                                                                                      | Sept. 1–Oct. 10.                                                                                                                      |
| Unit 19(C)—1 antlered bull .....                                                                                                                                                                                                                                                                      | Sept. 1–Sept. 30.                                                                                                                     |
| Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.                                                                                                      | Sept. 1–Sept. 30.                                                                                                                     |
| Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area —1 bull .....                                                                                                                                                                                                                         | Sept. 1–Sept. 30.<br>Dec. 1–Feb. 28.<br>Sept. 1–Sept. 30.<br>Dec. 1–Dec. 15.                                                          |
| Remainder of Unit 19(D)—1 antlered bull .....                                                                                                                                                                                                                                                         |                                                                                                                                       |
| Coyote:                                                                                                                                                                                                                                                                                               |                                                                                                                                       |
| 2 coyotes .....                                                                                                                                                                                                                                                                                       | Sept. 1–Apr. 30.                                                                                                                      |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                  |                                                                                                                                       |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                            | Sept. 1–Mar. 15.                                                                                                                      |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                           |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | July 1–June 30.                                                                                                                       |
| Lynx:                                                                                                                                                                                                                                                                                                 |                                                                                                                                       |
| 2 lynx .....                                                                                                                                                                                                                                                                                          | Nov. 1–Feb. 28.                                                                                                                       |
| Wolf:                                                                                                                                                                                                                                                                                                 |                                                                                                                                       |
| 5 wolves .....                                                                                                                                                                                                                                                                                        | Aug. 10–Apr. 30.                                                                                                                      |
| Wolverine:                                                                                                                                                                                                                                                                                            |                                                                                                                                       |
| 1 wolverine .....                                                                                                                                                                                                                                                                                     | Sept. 1–Mar. 31.                                                                                                                      |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                      |                                                                                                                                       |
| 15 per day, 30 in possession .....                                                                                                                                                                                                                                                                    | Aug. 10–Apr. 30.                                                                                                                      |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                           |                                                                                                                                       |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                    | Aug. 10–Apr. 30.                                                                                                                      |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                      |                                                                                                                                       |
| Beaver:                                                                                                                                                                                                                                                                                               |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Apr. 15.                                                                                                                       |
| Coyote:                                                                                                                                                                                                                                                                                               |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                                                                                                                       |
| Fox, Red (Including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                  |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                                                                                                                       |
| Lynx:                                                                                                                                                                                                                                                                                                 |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                                                                                                                       |
| Marten:                                                                                                                                                                                                                                                                                               |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                                                                                                                       |
| Mink and Weasel:                                                                                                                                                                                                                                                                                      |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                                                                                                                       |
| Muskrat:                                                                                                                                                                                                                                                                                              |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–June 10.                                                                                                                       |
| Otter:                                                                                                                                                                                                                                                                                                |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Apr. 15.                                                                                                                       |
| Wolf:                                                                                                                                                                                                                                                                                                 |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                                                                                                                       |
| Wolverine:                                                                                                                                                                                                                                                                                            |                                                                                                                                       |
| No limit .....                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                                                                                                                       |

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980, are closed to subsistence uses. Subsistence uses as authorized by § \_\_\_\_\_.25(k)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) Use of motorized vehicles or pack animals for hunting is prohibited from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to

include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as provided below. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Atlanta, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(D) The Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway, is closed to the use of any motorized vehicle for hunting from August 5–September 20; however, this does not prohibit motorized access via,

or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) The Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning, is open to moose hunting by permit only;

(F) The Fairbanks Management Area, which consists of the Goldstream subdivision OSE ¼ SE ¼, Section 28 and Section 33, Township 2 North, Range 1 West, Fairbanks Meridian and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning, is open to moose hunting by bow and arrow only;

(G) The Ferry Trail Management Area, which consists of that portion of Unit 20(A) bounded on the north by the Rex Trail; on the west by the east bank of the Nenana River from its intersection with the Rex Trail south to the divide forming the north boundary of the Lignite Creek drainage; on the south by that divide easterly and southerly to the headwaters of Sanderson Creek at Usibelli Peak, then along a southwesterly line to the confluence of Healy Creek and Coal Creek, then upstream easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters; on the

east by a straight line from the headwaters of Healy Creek to the headwaters of Dexter Creek, then along Dexter Creek to the Totallankia River, then down the east bank of the Totatlanika River to the Rex Trail is open to caribou hunting by permit only.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) Trapping of wolves in Unit 20(E) during April and October with a steel trap, or with a snare using cable smaller than  $\frac{3}{32}$  inch diameter, is prohibited;

(C) The taking of up to three moose per regulatory year by the residents of

Unit 20 and 21 is allowed for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

| Harvest limits                                                                                                                                                                                                                                                                                       | Open season                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                      |                                                                                                                      |
| Black Bear:                                                                                                                                                                                                                                                                                          |                                                                                                                      |
| 3 bears .....                                                                                                                                                                                                                                                                                        | July 1–June 30.                                                                                                      |
| Brown: Bear:                                                                                                                                                                                                                                                                                         |                                                                                                                      |
| Unit 20—except Unit 20(E)—1 bear every four regulatory years .....                                                                                                                                                                                                                                   | Sept. 1–May 31.                                                                                                      |
| Caribou:                                                                                                                                                                                                                                                                                             |                                                                                                                      |
| Unit 20(E)—1 bull by Federal registration permit only; the season will close when a harvest quota of 150 for the Fortymile herd has been reached.                                                                                                                                                    | Aug. 10–Sept. 30                                                                                                     |
| Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10–Sept. 30 .....                                                                                                                                                                                          | Nov. 15–Feb. 28.<br>Aug. 10–Sept. 30.<br>Nov. 26–Dec. 20.<br>Mar. 1–Mar. 15.<br>No open season.<br>Aug. 10–Sept. 30. |
| Unit 20(F)—south of the Yukon River .....                                                                                                                                                                                                                                                            |                                                                                                                      |
| Remainder of Unit 20(F)—1 bull .....                                                                                                                                                                                                                                                                 |                                                                                                                      |
| Moose:                                                                                                                                                                                                                                                                                               |                                                                                                                      |
| Unit 20(A)—the Ferry Trail Management Area—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side.                                                                                                                                                               | Sept. 1–Sept. 20.                                                                                                    |
| Remainder of Unit 20(A)—1 antlered bull .....                                                                                                                                                                                                                                                        | Sept. 1–Sept. 20.                                                                                                    |
| Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only .....                                                                                                                                                                                      | Sept. 1–Sept. 20.<br>Jan. 10–Feb. 28.<br>Sept. 1–Sept. 20.                                                           |
| Unit 20(B)—the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 antlered bull.                                                                                                                                 |                                                                                                                      |
| Remainder of Unit 20(B)—1 antlered bull .....                                                                                                                                                                                                                                                        | Sept. 1–Sept. 20.                                                                                                    |
| Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken. | Sept. 1–Sept. 30.<br>Nov. 15–Dec. 15.                                                                                |
| Remainder of Unit 20(C)—antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.                                                                                                                                                                  | Sept. 1–Sept. 30.                                                                                                    |
| Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 antlered bull.                                                                                                             | Sept. 1–Sept. 15.                                                                                                    |
| Remainder of Unit 20(E)—that portion draining into the Yukon River upstream from and including the Charley River drainage to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 antlered bull.                                                               | Sept. 5–Sept. 30.                                                                                                    |
| Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.                                                                                                                                                                      | Sept. 1–Sept. 25.                                                                                                    |
| Remainder of Unit 20(F)—1 antlered bull .....                                                                                                                                                                                                                                                        | Sept. 1–Sept. 25.                                                                                                    |
| Coyote:                                                                                                                                                                                                                                                                                              |                                                                                                                      |
| 2 coyotes .....                                                                                                                                                                                                                                                                                      | Sept. 1–Apr. 30.                                                                                                     |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                 |                                                                                                                      |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                           | Sept. 1–Mar. 15.                                                                                                     |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                          |                                                                                                                      |
| No limit .....                                                                                                                                                                                                                                                                                       | July 1–June 30.                                                                                                      |
| Lynx:                                                                                                                                                                                                                                                                                                |                                                                                                                      |
| Unit 20(E)—2 lynx .....                                                                                                                                                                                                                                                                              | Nov. 1–Jan. 31.                                                                                                      |
| Remainder of Unit 20—2 lynx .....                                                                                                                                                                                                                                                                    | Dec. 1–Jan. 31.                                                                                                      |
| Wolf:                                                                                                                                                                                                                                                                                                |                                                                                                                      |
| 10 wolves .....                                                                                                                                                                                                                                                                                      | Aug. 10–Apr. 20.                                                                                                     |
| Wolverine:                                                                                                                                                                                                                                                                                           |                                                                                                                      |
| 1 wolverine .....                                                                                                                                                                                                                                                                                    | Sept. 1–Mar. 31.                                                                                                     |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                     |                                                                                                                      |
| Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse.                                                                                                    | Aug. 25–Mar. 31.                                                                                                     |
| Unit 20—Remainder—15 per day, 30 in possession .....                                                                                                                                                                                                                                                 | Aug. 10–Mar. 31.                                                                                                     |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                          |                                                                                                                      |
| Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.                                                              | Aug. 10–Mar. 31.                                                                                                     |
| Unit 20—Remainder—20 per day, 40 in possession .....                                                                                                                                                                                                                                                 | Aug. 10–Apr. 30.                                                                                                     |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                     |                                                                                                                      |
| Beaver:                                                                                                                                                                                                                                                                                              |                                                                                                                      |
| Unit 20(A), 20(B), Unit 20(C), Unit 20(E), and 20(D)—that portion draining into the north bank of the Tanana River, including the islands in the Tanana River—25 beaver.                                                                                                                             | Nov. 1–Apr. 15.                                                                                                      |
| Remainder of Unit 20(D)—15 beaver .....                                                                                                                                                                                                                                                              | Feb. 1–Apr. 15.                                                                                                      |

| Harvest limits                                       | Open season       |
|------------------------------------------------------|-------------------|
| Unit 20(F)—50 beaver .....                           | Nov. 1–Apr. 15.   |
| Coyote:                                              |                   |
| Unit 20(E)—No limit .....                            | Nov. 1–Feb. 28.   |
| Remainder Unit 20—No limit .....                     | Nov. 1–Mar. 31.   |
| Fox, Red (including Cross, Black and Silver Phases): |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Lynx:                                                |                   |
| No limit .....                                       | Dec. 1–Jan. 15.   |
| Marten:                                              |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Mink and Weasel:                                     |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |
| Muskrat:                                             |                   |
| Unit 20(E)—No limit .....                            | Sept. 20–June 10. |
| Remainder of Unit 20—No limit .....                  | Nov. 1–June 10.   |
| Otter:                                               |                   |
| No limit .....                                       | Nov. 1–Apr. 15.   |
| Wolf:                                                |                   |
| Unit 20(E)—No limit .....                            | Oct. 1–Apr. 30.   |
| Remainder of Unit 20—No limit .....                  | Nov. 1–Mar. 31.   |
| Wolverine:                                           |                   |
| No limit .....                                       | Nov. 1–Feb. 28.   |

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River upstream and including from the Dulbi River drainage;

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandohtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth

of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of the Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;

(B) A firearm may be used to take beaver with a trapping license in Unit 21(E) from Apr. 1–June 1;

(C) The taking of up to three moose per regulatory year by the residents of Unit 20 and 21 is allowed for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The taking of up to three moose per regulatory year by the residents of Unit 21 is allowed for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to

individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

| Harvest limits                                                                                                                                                                                       | Open season                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                      |                                                     |
| Black Bear:                                                                                                                                                                                          |                                                     |
| 3 bears .....                                                                                                                                                                                        | July 1–June 30.                                     |
| Brown Bear:                                                                                                                                                                                          |                                                     |
| 1 bear ever four regulatory years .....                                                                                                                                                              | Sept. 1–May 31.                                     |
| Caribou:                                                                                                                                                                                             |                                                     |
| Unit 21 (A), (B), (C), and (E)—1 caribou .....                                                                                                                                                       | Aug. 10–Sept. 30.                                   |
| Unit 21(D)—North of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.                                      | Aug. 10–Sept. 30.<br>Winter season to be announced. |
| Unit 21(D)—Remainder (Western Arctic Caribou herd)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.                                                                          | July 1–June 30.                                     |
| Moose:                                                                                                                                                                                               |                                                     |
| Unit 21(A)—1 bull .....                                                                                                                                                                              | Aug. 20–Sept. 25.<br>Nov. 1–Nov. 30.                |
| Unit 21 (B) and (C)—1 antlered bull .....                                                                                                                                                            | Sept. 5–Sept. 25.                                   |
| Unit 21(D)—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season. | Sept. 5–Sept. 25.<br>Feb. 1–Feb. 5.                 |
| Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.                     | Aug. 20–Sept. 25.<br>Feb. 1–Feb. 10.                |
| Coyote:                                                                                                                                                                                              |                                                     |
| 2 coyotes .....                                                                                                                                                                                      | Sept. 1–Apr. 30.                                    |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                 |                                                     |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                           | Sept. 1–Mar. 15.                                    |
| Hare (Snowshoe and Tundra):                                                                                                                                                                          |                                                     |
| No limit .....                                                                                                                                                                                       | July 1–June 30.                                     |
| Lynx:                                                                                                                                                                                                |                                                     |
| 2 lynx .....                                                                                                                                                                                         | Nov. 1–Feb. 28.                                     |
| Wolf:                                                                                                                                                                                                |                                                     |
| 5 wolves .....                                                                                                                                                                                       | Aug. 10–Apr. 30.                                    |
| Wolverine:                                                                                                                                                                                           |                                                     |
| 1 wolverine .....                                                                                                                                                                                    | Sept. 1–Mar. 31.                                    |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                     |                                                     |
| 15 per day, 30 in possession .....                                                                                                                                                                   | Aug. 10–Apr. 30.                                    |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                          |                                                     |
| 20 per day, 40 in possession .....                                                                                                                                                                   | Aug. 10–Apr. 30.                                    |
| <b>Trapping:</b>                                                                                                                                                                                     |                                                     |
| Beaver:                                                                                                                                                                                              |                                                     |
| Unit 21(E)—No limit .....                                                                                                                                                                            | Nov. 1–June 1.                                      |
| Remainder of Unit 21—No Limit .....                                                                                                                                                                  | Nov. 1–Apr. 15.                                     |
| Coyote:                                                                                                                                                                                              |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Mar. 31.                                     |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                 |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Feb. 28.                                     |
| Lynx:                                                                                                                                                                                                |                                                     |
| No Limit .....                                                                                                                                                                                       | Nov. 1–Feb. 28.                                     |
| Marten:                                                                                                                                                                                              |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Feb. 28.                                     |
| Mink and Weasel:                                                                                                                                                                                     |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Feb. 28.                                     |
| Muskrat:                                                                                                                                                                                             |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–June 10.                                     |
| Otter:                                                                                                                                                                                               |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Apr. 15.                                     |
| Wolf:                                                                                                                                                                                                |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Mar. 31.                                     |
| Wolverine:                                                                                                                                                                                           |                                                     |
| No limit .....                                                                                                                                                                                       | Nov. 1–Mar. 31.                                     |

(22) *Unit 22.* (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern

Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and

including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomed Island and Fairway Rock.

(ii) Unit-specific regulations:

(A) A firearm may be used to take beaver with a trapping license in Unit 22 during the established seasons;

(B) Snowmachines may be used to take caribou and moose in Unit 22 during established seasons; however, shooting from a snowmachine in motion is prohibited;

(C) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes.

| Harvest limits                                                                                                                                                           | Open season                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Hunting:</b>                                                                                                                                                          |                                     |
| Black Bear:                                                                                                                                                              |                                     |
| 3 bears .....                                                                                                                                                            | July 1–June 30.                     |
| Brown Bear:                                                                                                                                                              |                                     |
| Unit 22(C)—1 bear every four regulatory years .....                                                                                                                      | Sept. 1–Oct. 31.<br>May 10–May 25.  |
| Remainder of Unit 22—1 bear every four regulatory years .....                                                                                                            | Sept. 1–Oct. 31.<br>Apr. 15–May 25. |
| Caribou:                                                                                                                                                                 |                                     |
| Unit 22 (A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30 .....                                                                        | July 1–June 30.                     |
| Moose:                                                                                                                                                                   |                                     |
| Unit 22(A)—1 antlered bull; however, the period of Oct. 1–Oct. 10 is restricted to residents of Unit 22(A) only .....                                                    | Aug. 1–Oct. 10.<br>Dec. 1–Jan. 31.  |
| Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.                                     | Aug. 1–Jan. 31.                     |
| Unit 22(C)—1 antlered bull .....                                                                                                                                         | Sept. 1–Sept. 14.                   |
| Unit 22(D)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.                                     | Aug. 1–Jan. 31.                     |
| Unit 22(E)—1 moose; no person may take a cow accompanied by a calf .....                                                                                                 | Aug. 1–Mar. 31.                     |
| Muskox:                                                                                                                                                                  |                                     |
| Unit 22 (D) and (E)—1 bull by Federal registration permit only. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. | Sept. 1–Jan. 31.                    |
| Remainder of Unit 22 .....                                                                                                                                               | No open season.                     |
| Coyote:                                                                                                                                                                  |                                     |
| Federal public lands are closed to the taking of coyotes .....                                                                                                           | No open season.                     |
| Fox, Arctic (Blue and White Phase):                                                                                                                                      |                                     |
| 2 foxes .....                                                                                                                                                            | Sept. 1–Apr. 30.                    |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                     |                                     |
| 10 foxes .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Hare (Snowshoe and Tundra):                                                                                                                                              |                                     |
| No limit .....                                                                                                                                                           | Sept. 1–Apr. 15.                    |
| Lynx:                                                                                                                                                                    |                                     |
| 2 lynx .....                                                                                                                                                             | Nov. 1–Apr. 15.                     |
| Wolf:                                                                                                                                                                    |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Wolverine:                                                                                                                                                               |                                     |
| 1 wolverine .....                                                                                                                                                        | Sept. 1–Mar. 31.                    |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                         |                                     |
| 15 per day, 30 in possession .....                                                                                                                                       | Aug. 10–Apr. 30.                    |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                              |                                     |
| Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession .....                                                                 | Aug. 10–Apr. 30.                    |
| Unit 22 Remainder—20 per day, 40 in possession .....                                                                                                                     | Aug. 10–Apr. 30.                    |
| <b>Trapping:</b>                                                                                                                                                         |                                     |
| Beaver:                                                                                                                                                                  |                                     |
| Unit 22 (A) and (B)—50 beaver .....                                                                                                                                      | Nov. 1–June 10.                     |
| Unit 22 (C), (D), and (E)—50 beaver .....                                                                                                                                | Nov. 1–Apr. 15.                     |
| Coyote:                                                                                                                                                                  |                                     |
| Federal public lands are closed to the taking of coyotes .....                                                                                                           | No open season.                     |
| Fox, Arctic (Blue and White Phase):                                                                                                                                      |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                     |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Lynx:                                                                                                                                                                    |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Marten:                                                                                                                                                                  |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Apr. 15.                     |
| Mink and Weasel:                                                                                                                                                         |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–Jan. 31.                     |
| Muskrat:                                                                                                                                                                 |                                     |
| No limit .....                                                                                                                                                           | Nov. 1–June 10.                     |
| Otter:                                                                                                                                                                   |                                     |

| Harvest limits | Open season     |
|----------------|-----------------|
| No limit ..... | Nov. 1–Apr. 15. |
| Wolf:          |                 |
| No limit ..... | Nov. 1–Apr. 15. |
| Wolverine:     |                 |
| No limit ..... | Nov. 1–Apr. 15. |

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15 to the use of aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species. This does not apply to the transportation of hunters or parts of ungulates, bear,

wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service;

(B) The Northwest Alaska Brown Bear Management Area, which consists of these portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A) is open to brown bear hunting by State registration permit in lieu of a resident tag; no resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting; aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the

authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Motor-driven boats or snowmachines may be used to take caribou; however, shooting from a snowmachine in motion is prohibited;

(B) Swimming caribou may be taken with a firearm using rimfire cartridges;

(C) a firearm may be used to take beaver with a trapping license in all of Unit 23 from Nov. 1–Jan. 10.

| Harvest limits                                                                                                                                                                                                                             | Open season                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                            |                                     |
| Black Bear:                                                                                                                                                                                                                                |                                     |
| 3 bears .....                                                                                                                                                                                                                              | July 1–June 30.                     |
| Brown Bear:                                                                                                                                                                                                                                |                                     |
| Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear .....                                                                                                                                                               | Sept. 1–May 31.                     |
| Remainder of Unit 23—1 bear every four regulatory years .....                                                                                                                                                                              | Sept. 1–Oct. 10.<br>Apr. 15–May 25. |
| Caribou:                                                                                                                                                                                                                                   |                                     |
| 15 caribou per day; however, cow caribou may not be taken May 16–June 30 .....                                                                                                                                                             | July 1–June 30.                     |
| Sheep:                                                                                                                                                                                                                                     |                                     |
| Unit 23—that portion west of Howard Pass and the Aniuk, Cutler and Redstone Rivers .....                                                                                                                                                   | No open season.                     |
| Remainder of Unit 23—1 ram with $\frac{7}{8}$ curl horn or larger .....                                                                                                                                                                    | Aug. 10–Sept. 20.                   |
| Remainder of Unit 23—1 sheep .....                                                                                                                                                                                                         | Oct. 1–Apr. 30.                     |
| Moose:                                                                                                                                                                                                                                     |                                     |
| Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kupuk and Ipewik Rivers—1 moose; no person may take a cow accompanied by a calf.                                        | July 1–Mar. 31.                     |
| Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow accompanied by a calf.                                                      | Aug. 1–Sept. 15.<br>Oct. 1–Mar. 31. |
| Remainder of Unit 23—1 moose; no person may take a cow accompanied by a calf .....                                                                                                                                                         | Aug. 1–Mar. 31.                     |
| Muskox:                                                                                                                                                                                                                                    |                                     |
| Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal registration permit only. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. | Sept. 1–Jan. 31.                    |
| Remainder of Unit 23 .....                                                                                                                                                                                                                 | No open season.                     |
| Coyote:                                                                                                                                                                                                                                    |                                     |
| 2 coyotes .....                                                                                                                                                                                                                            | Sept. 1–Apr. 30.                    |
| Fox, Arctic (Blue and White Phase):                                                                                                                                                                                                        |                                     |
| 2 foxes .....                                                                                                                                                                                                                              | Sept. 1–Apr. 30.                    |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                       |                                     |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                 | Sept. 1–Mar. 15.                    |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                |                                     |
| No limit .....                                                                                                                                                                                                                             | July 1–June 30.                     |
| Lynx:                                                                                                                                                                                                                                      |                                     |
| 2 lynx .....                                                                                                                                                                                                                               | Dec. 1–Jan. 15.                     |
| Wolf:                                                                                                                                                                                                                                      |                                     |
| 5 wolves .....                                                                                                                                                                                                                             | Nov. 10–Mar. 31.                    |
| Wolverine:                                                                                                                                                                                                                                 |                                     |
| 1 wolverine .....                                                                                                                                                                                                                          | Sept. 1–Mar. 31.                    |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                           |                                     |

| Harvest limits                                                | Open season      |
|---------------------------------------------------------------|------------------|
| 15 per day, 30 in possession .....                            | Aug. 10–Apr. 30. |
| Ptarmigan (Rock, Willow, and White-tailed):                   |                  |
| 20 per day, 40 in possession .....                            | Aug. 10–Apr. 30. |
| <b>Trapping:</b>                                              |                  |
| Beaver:                                                       |                  |
| Unit 23—the Kobuk and Selawik River drainages—50 beaver ..... | Nov. 1–June 10.  |
| Remainder of Unit 23—30 beaver .....                          | Nov. 1–June 10.  |
| Coyote:                                                       |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |
| Fox, Arctic (Blue and White Phase):                           |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |
| Fox, Red (including Cross, Black and Silver Phases):          |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |
| Lynx:                                                         |                  |
| 3 lynx .....                                                  | Dec. 1–Jan. 15.  |
| Marten:                                                       |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |
| Mink and Weasel:                                              |                  |
| No limit .....                                                | Nov. 1–Jan. 31.  |
| Muskrat:                                                      |                  |
| No limit .....                                                | Nov. 1–June 10.  |
| Otter:                                                        |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |
| Wolf:                                                         |                  |
| No limit .....                                                | Nov. 10–Mar. 31. |
| Wolverine:                                                    |                  |
| No limit .....                                                | Nov. 1–Apr. 15.  |

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(B) The Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain,

then back to the Bettles Field VOR, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyuku, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtila Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area

and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provided scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt black bear between April 15 and June 30;



(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

| Harvest limits                                                                                                                                                                                                                                                                                                                                | Open season                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                               |                                                         |
| Black Bear:                                                                                                                                                                                                                                                                                                                                   |                                                         |
| 3 bears .....                                                                                                                                                                                                                                                                                                                                 | July 1–June 30.                                         |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                   |                                                         |
| Unit 24—that portion west of the Dalton Highway Corridor Management Area—1 bear .....                                                                                                                                                                                                                                                         | Sept. 1–May 31.                                         |
| Remainder of Unit 24—1 bear every four regulatory years .....                                                                                                                                                                                                                                                                                 | Sept. 1–May 31.                                         |
| Caribou:                                                                                                                                                                                                                                                                                                                                      |                                                         |
| Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull.                                                                                                                                                                                                             | Aug. 10–Sept. 30.                                       |
| Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30 .....                                                                                                                                                                                                                                            | July 1–June 30.                                         |
| Sheep:                                                                                                                                                                                                                                                                                                                                        |                                                         |
| Unit 24—that portion within the Gates of the Arctic National Park—3 sheep .....                                                                                                                                                                                                                                                               | Aug. 1–Apr. 30.                                         |
| Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with $\frac{7}{8}$ curl horn or larger by Federal registration permit only.                                                                                                                                          | Aug. 10–Sept. 20.                                       |
| Remainder of Unit 24—1 ram with $\frac{7}{8}$ curl horn or larger .....                                                                                                                                                                                                                                                                       | Aug. 10–Sept. 20.                                       |
| Moose:                                                                                                                                                                                                                                                                                                                                        |                                                         |
| Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during the periods of Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.                                                                                                                                                 | Sept. 5–Sept. 25.<br>Dec. 1–Dec. 10.<br>Mar. 1–Mar. 10. |
| Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose .....                                                                                                                                                                                                                         | Aug. 1–Dec. 31.                                         |
| Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except that portion of the John River within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10. | Aug. 25–Sept. 25.<br>Mar. 1–Mar. 10.                    |
| Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.                                                                                                                                                                       | Aug. 25–Sept. 25.                                       |
| Remainder of Unit 24—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents during seasons identified above.                                                                                                                                                | Aug. 25–Sept. 25.                                       |
| Coyote:                                                                                                                                                                                                                                                                                                                                       |                                                         |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                               | Sept. 1–Apr. 30.                                        |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                          |                                                         |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                                                                    | Sept. 1–Mar. 15.                                        |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                   |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | July 1–June 30.                                         |
| Lynx:                                                                                                                                                                                                                                                                                                                                         |                                                         |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                  | Nov. 1–Feb. 28.                                         |
| Wolf:                                                                                                                                                                                                                                                                                                                                         |                                                         |
| 5 wolves .....                                                                                                                                                                                                                                                                                                                                | Aug. 10–Apr. 30.                                        |
| Wolverine:                                                                                                                                                                                                                                                                                                                                    |                                                         |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                             | Sept. 1–Mar. 31.                                        |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                              |                                                         |
| 15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                            | Aug. 10–Apr. 30.                                        |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                   |                                                         |
| 20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                            | Aug. 10–Apr. 30.                                        |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                              |                                                         |
| Beaver:                                                                                                                                                                                                                                                                                                                                       |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Apr. 15.                                         |
| Coyote:                                                                                                                                                                                                                                                                                                                                       |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Mar. 31.                                         |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                          |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Feb. 28.                                         |
| Lynx:                                                                                                                                                                                                                                                                                                                                         |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Feb. 28.                                         |
| Marten:                                                                                                                                                                                                                                                                                                                                       |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Feb. 28.                                         |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                              |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Feb. 28.                                         |
| Muskrat:                                                                                                                                                                                                                                                                                                                                      |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–June 10.                                         |
| Otter:                                                                                                                                                                                                                                                                                                                                        |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Apr. 15.                                         |
| Wolf:                                                                                                                                                                                                                                                                                                                                         |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Mar. 31.                                         |
| Wolverine:                                                                                                                                                                                                                                                                                                                                    |                                                         |
| No limit .....                                                                                                                                                                                                                                                                                                                                | Nov. 1–Mar. 31.                                         |

(25 Unit 25. (i) Unit 25 consists of the Yukon River drainage upstream from

but not including the Hamlin Creek drainage, and excluding drainages into

the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(B) The Arctic Village Sheep Management Area; that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence

with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into two roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River. Sheep hunting in this area is restricted to residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik.

(iii) Unit-specific regulations:

(A) Bait may be used to hunt back bear between April 15 and June 30;

(B) Motor-driven boats or snowmachines may be used to take caribou and moose; however, shooting from a snowmachine in motion is prohibited.

| Harvest limits                                                                                                                                                                                                                                                                                                        | Open season                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                       |                                       |
| Black Bear:                                                                                                                                                                                                                                                                                                           |                                       |
| 3 bears .....                                                                                                                                                                                                                                                                                                         | July 1–June 30.                       |
| Caribou:                                                                                                                                                                                                                                                                                                              |                                       |
| Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year.                                                                                                                                                                 | July 1–Apr. 30.                       |
| Unit 25(C)—that portion south and east of the Steese Highway—1 bull by Federal registration permit only; the season will close when a harvest quota for the Fortymile herd has been reached. The harvest quota will be determined by the Board after consultation with ADF&G and announced before the season opening. | Aug. 10–Sept. 30.                     |
| Unit 25(C)—that portion north and west of the Steese Highway—1 caribou; however, only bull caribou may be taken during the Aug. 10–Sept. 20 session. During the winter season, caribou may be taken only with a Federal registration permit.                                                                          | Dec. 1–Feb. 28.<br>Aug. 10–Sept. 20.  |
| Unit 25(D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull .....                                                                                                                                                                                                   | Feb. 15–Mar. 15.<br>Aug. 10–Sept. 30. |
| Sheep:                                                                                                                                                                                                                                                                                                                |                                       |
| Unit 25(A)—that portion within the Dalton Highway Corridor Management Area .....                                                                                                                                                                                                                                      | No open season.                       |
| Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik during seasons identified above.                                         | Aug. 10–Apr. 30.                      |
| Remainder of Unit 25(A)—3 sheep by Federal registration permit only .....                                                                                                                                                                                                                                             | Aug. 10–Apr. 30.                      |
| Moose:                                                                                                                                                                                                                                                                                                                |                                       |
| Unit 25(A)—1 antlered bull .....                                                                                                                                                                                                                                                                                      | Aug. 25–Sept. 25.<br>Dec. 1–Dec. 10.  |
| Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.                                                                                                                                                                                   | Aug. 25–Sept. 30.                     |
| Unit 25(B)—that portion draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.                                                                                                                              | Dec. 1–Dec. 10.<br>Sept. 5–Sept. 30.  |
| Remainder of Unit 25(B)—1 antlered bull .....                                                                                                                                                                                                                                                                         | Dec. 1–Dec. 15.<br>Aug. 25–Sept. 25.  |
| Unit 25(C)—1 antlered bull .....                                                                                                                                                                                                                                                                                      | Dec. 1–Dec. 15.<br>Sept. 1–Sept. 15.  |

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Open season                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Unit 25(D) (West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Beaver, Birch Creek, or Stevens Village. Moose hunting on public land in this portion of Unit 25(D)(West) is closed at all times except for residents of Beaver, Birch Creek and Stevens Village during seasons identified above. The moose season will be closed when 30 antlered moose have been harvested in the entirety of Unit 25(D)(West). | Aug. 25–Feb. 28.                     |
| Remainder of Unit 25(D)—1 antlered moose .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Aug. 25–Sept. 25.<br>Dec. 1–Dec. 20. |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Apr. 16–Oct. 31.                     |
| Unit 25(C) .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | No open season.                      |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sept. 1–Apr. 30.                     |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sept. 1–Mar. 15.                     |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | July 1–June 30.                      |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| Unit 25(C)—2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Dec. 1–Jan. 31.                      |
| Remainder of Unit 25—2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 1–Feb. 28.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| Unit 25(A)—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Aug. 10–Apr. 30.                     |
| Remainder of Unit 25—10 wolves .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Aug. 10–Apr. 30.                     |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| 1 wolverine .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Sept. 1–Mar. 31.                     |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |
| Unit 25(C)—15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Aug. 10–Mar. 31.                     |
| Remainder of Unit 25—15 per day, 30 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Apr. 30.                     |
| Ptarmigan (Rock, Willow, and White-tailed):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Mar. 31.                     |
| Remainder of Unit 25—20 per day, 40 in possession .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug. 10–Apr. 30.                     |
| <b>Trapping:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |
| Beaver:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| Unit 25(C)—25 beaver .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Nov. 1–Apr. 15.                      |
| Remainder of Unit 25—50 beaver .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Nov. 1–Apr. 15.                      |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                      |
| Fox, Red (including Cross, Black and Silber Phases):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                      |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| Unit 25(C)—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Dec. 1–Jan. 15.                      |
| Remainder of Unit 25—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Nov. 1–Feb. 28.                      |
| Marten:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                      |
| Mink and Weasel:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Feb. 28.                      |
| Muskrat:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–June 10.                      |
| Otter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Apr. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Nov. 1–Mar. 31.                      |
| Wolverine:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |
| Unit 25(C)—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Nov. 1–Feb. 28.                      |
| Remainder of Unit 25—No limit .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Nov. 1–Mar. 31.                      |

(26) *Unit 26.* (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Unit 26(A) Controlled Use Area, which consists of Unit 26(A), is closed to the use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1–Aug. 31 and from Jan. 1–Mar. 31. No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this

does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) The Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, is closed to the use of motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as follows: The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor

Management Area. The use of licensed highway vehicles is limited only to designated roads within the Dalton Highway Corridor Management Area. The use of firearms within the Corridor is authorized only for the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor;

(C) The Northwest Alaska Brown Bear Management Area, which consists of those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24 west of the Dalton Highway Corridor Management Area, and Unit 26(A), is open to brown bear hunting by State registration permit in lieu of a resident tag. No resident tag is required for taking brown bears in the Northwest Alaska Brown Bear Management Area, provided that the hunter has obtained a State registration

permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) Motor-driven boats and snowmachines may be used to take caribou; however, shooting from a snowmachine in motion is prohibited;

(B) Swimming caribou may be taken with a firearm using rimfire cartridges.

| Harvest limits                                                                                                                                                                                                                                                                                                                                                                                                | Open season                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Hunting:</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                      |
| Black Bear:                                                                                                                                                                                                                                                                                                                                                                                                   |                                      |
| 3 bears .....                                                                                                                                                                                                                                                                                                                                                                                                 | July 1–June 30.                      |
| Brown Bear:                                                                                                                                                                                                                                                                                                                                                                                                   |                                      |
| Unit 26(A)—1 bear by Federal registration permit only .....                                                                                                                                                                                                                                                                                                                                                   | May 1–Oct. 31.                       |
| Unit 26(B)—1 bear .....                                                                                                                                                                                                                                                                                                                                                                                       | May 1–Oct. 31.                       |
| Unit 26(B)—1 bear .....                                                                                                                                                                                                                                                                                                                                                                                       | Sept. 1–May 31.                      |
| Caribou:                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |
| Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the the Killik River are closed to the the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30. ....                                                                                                                               | July 1–June 30.                      |
| Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30 .....                                                                                                                                                                                                                                                                                                               | July 1–June 30.                      |
| Unit 26(C)—10 caribou per day .....                                                                                                                                                                                                                                                                                                                                                                           | July 1–Apr. 30.                      |
| Not more than 5 caribou per regulatory year may be transported from Unit 26 except to the community of Anaktuvuk Pass.                                                                                                                                                                                                                                                                                        |                                      |
| Sheep:                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |
| Unit 26(A)—those portions within the Gates of the Arctic National Park—3 sheep .....                                                                                                                                                                                                                                                                                                                          | Aug. 1–Apr. 30.                      |
| Unit 26(A)—that portion west of Howard Pass and the Etivluk River .....                                                                                                                                                                                                                                                                                                                                       | No open season.                      |
| Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with $\frac{7}{8}$ curl horn or larger by Federal registration permit only..                                                                                                                                                                                                                                                 | Aug. 10–Sept. 20.                    |
| Remainder of Unit 26 (A) and (B)—including the Gates of the Arctic National Preserve—1 ram with $\frac{7}{8}$ curl horn or larger.                                                                                                                                                                                                                                                                            | Aug. 10–Sept. 20.                    |
| Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with $\frac{7}{8}$ curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season. Kaktovik residents may harvest sheep in accordance with a Federal community harvest strategy for Unit 26(C) which provides for take of up to two harvest limits of 3 sheep by designated hunter.. | Aug. 10–Sept. 20.<br>Oct. 1–Apr. 30. |
| Moose:                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |
| Unit 26(A)—that portion of the Colville River drainage upstream from and including the Chandler River drainage—1 moose; however, no person may take a cow accompanied by a calf.                                                                                                                                                                                                                              | Aug. 1–Mar. 31.                      |
| Remainder of Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf .....                                                                                                                                                                                                                                                                                                                | Aug. 1–Dec. 31.                      |
| Unit 26(B)—that portion within two miles of the Dalton Highway .....                                                                                                                                                                                                                                                                                                                                          | No open season.                      |
| Unit 26(B) Remainder and (C)—1 moose .....                                                                                                                                                                                                                                                                                                                                                                    | Aug. 1–Dec. 31.                      |
| Musk Oxen:                                                                                                                                                                                                                                                                                                                                                                                                    |                                      |
| Unit 26(C)—1 bull by Federal registration permit only; up to 10 permits may be issued to rural Alaska residents of the village of Kaktovik only. Public lands are closed to the taking of musk oxen, except by rural Alaska residents of the village of Kaktovik during seasons identified above..                                                                                                            | Oct. 1–Nov. 15.<br>Mar. 1–Mar. 31.   |
| Coyote:                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |
| 2 coyotes .....                                                                                                                                                                                                                                                                                                                                                                                               | Sept. 1–Apr. 30.                     |
| Fox, Arctic (Blue and White Phase):                                                                                                                                                                                                                                                                                                                                                                           |                                      |
| 2 foxes .....                                                                                                                                                                                                                                                                                                                                                                                                 | Sept. 1–Apr. 30.                     |
| Fox, Red (including Cross, Black and Silver Phases):                                                                                                                                                                                                                                                                                                                                                          |                                      |
| Unit 26 (A) and (B)—20 foxes; however, no more than 2 foxes may be taken prior to Oct. 1 .....                                                                                                                                                                                                                                                                                                                | Sept. 1–Mar. 15.                     |
| Unit 26(C)—10 foxes .....                                                                                                                                                                                                                                                                                                                                                                                     | Nov. 1–Apr. 15.                      |
| Hare (Snowshoe and Tundra):                                                                                                                                                                                                                                                                                                                                                                                   |                                      |
| No limit .....                                                                                                                                                                                                                                                                                                                                                                                                | July 1–June 30.                      |
| Lynx:                                                                                                                                                                                                                                                                                                                                                                                                         |                                      |
| 2 lynx .....                                                                                                                                                                                                                                                                                                                                                                                                  | Nov. 1–Apr. 15.                      |
| Wolf:                                                                                                                                                                                                                                                                                                                                                                                                         |                                      |

| Harvest limits                                       | Open season      |
|------------------------------------------------------|------------------|
| 15 wolves .....                                      | Aug. 10–Apr. 10. |
| Wolverine:                                           |                  |
| 5 wolverine .....                                    | Sept. 1–Mar. 31. |
| Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):     |                  |
| 15 per day, 30 in possession .....                   | Aug. 10–Apr. 30. |
| Ptarmigan (Rock, Willow, and White-tailed):          |                  |
| 20 per day, 40 in possession .....                   | Aug. 10–Apr. 30. |
| <b>Trapping:</b>                                     |                  |
| Coyote:                                              |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Fox, Arctic (Blue and White Phase):                  |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Fox, Red (including Cross, Black and Silver Phases): |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Lynx:                                                |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Marten:                                              |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Mink and Weasel:                                     |                  |
| No limit .....                                       | Nov. 1–Jan. 31.  |
| Muskrat:                                             |                  |
| No limit .....                                       | Nov. 1–June 10.  |
| Otter:                                               |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |
| Wolf:                                                |                  |
| No limit .....                                       | Nov. 1–Apr. 30.  |
| Wolverine:                                           |                  |
| No limit .....                                       | Nov. 1–Apr. 15.  |

Dated: July 27, 1995.

**Richard S. Pospahala,**

*Acting Chair, Federal Subsistence Board.*

Dated: July 28, 1995.

**Robert W. Williams,**

*Regional Forester USDA-Forest Service.*

[FR Doc. 95–19484 Filed 8–14–95; 8:45 am]

BILLING CODE 3410–11–M; 4310–55–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH40–1–5784b; AD–FRL–5276–8]

### Approval and Promulgation of Small Business Assistance Program; Ohio

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** The USEPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Ohio for the purpose of establishing a Small Business Assistance Program. In the Final Rules section of this **Federal Register**, USEPA is approving the State's SIP revision as a direct final rule without prior proposal, because the USEPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no

further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received on or before September 14, 1995.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Branch, Regulation Development Section (AR–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 23, 1995.

**William E. Muno,**

*Acting Regional Administrator.*

[FR Doc. 95–20018 Filed 8–14–95; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87–268; FCC 95–315]

### Broadcast Services; Advanced Television Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking, Notice of inquiry.

**SUMMARY:** This Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry examines a broad range of issues related to the conversion of our current broadcast television to digital technology. In previous orders in this Advanced Television (“ATV”) proceeding, our focus was on fostering the development of High Definition Television. Technological evolution now obliges us to revisit some of those decisions, which we do in this document. Accordingly, we invite comment on a broad range of issues related to the conversion by television broadcasters to digital television, including eligibility requirements,

spectrum issues, definition of the service, public interest obligations, transition issues, recovery of spectrum, length of the application/construction period, issues related to small markets and noncommercial stations, all-channel receiver issues, and must-carry and retransmission consent, to ensure that the rules that we fashion in this proceeding serve the public interest in all respects. We also institute an inquiry to invite comment as to where in the spectrum broadcasters should eventually be located and as to the amount, value and uses of the spectrum that could eventually be recovered when the conversion to digital television is completed.

**DATES:** Comments are due by October 18, 1995, and reply comments are due by December 4, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Saul Shapiro (202-418-2600) or Roger Holberg (202-776-1653), Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Fourth Notice of Proposed Rule Making and Third Notice of Inquiry in MM Docket No. 87-268, FCC 95-315, adopted July 28, 1995, and released August 9, 1995. The complete text of this *NPRM and NOI* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

### Synopsis of Notice of Proposed Rule Making

1. With this Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry ("Notice"), we continue the process of moving toward the next era of broadcast television: *digital* broadcast television. In previous orders in this Advanced Television ("ATV")<sup>1</sup> proceeding,<sup>2</sup> our focus was on fostering

the development of High Definition Television ("HDTV").<sup>3</sup> Technological evolution now obliges us to revisit some of those decisions and consider new information, which we do in this document.

2. The current technology allows for multiple streams, or "multicasting," of Standard Definition Television ("SDTV")<sup>4</sup> programming at a quality at least comparable to, and possibly better than, the current analog signal, as well as CD-quality audio signals and the rapid delivery of huge amounts of data. It allows broadcasters to send, simultaneously, video, voice and data. In addition, it allows broadcasters to provide a range of services dynamically, that is, it allows them to switch easily and quickly from one type of service to another.

3. Revisiting our earlier decisions is consistent with our statutory responsibility to "encourage the provision of new technologies and services to the public," 47 U.S.C. 157, as well as with our general statutory obligations to promote the public interest, since these developments have the potential to provide profound benefits to the American public.

4. In deciding what rules should govern the transition to digital television, we recognize our obligation to manage the spectrum efficiently and in the public interest and to take account of the legitimate interests of all those with a stake in that transition. With the foregoing considerations in mind, we will pursue and balance the following goals in this proceeding: (1) Preserving a free, universal broadcasting service; (2) fostering an expeditious and orderly transition to digital technology that will allow the public to receive the benefits of digital television while taking account of consumer investment in NTSC television sets; (3) managing the spectrum to permit the recovery of contiguous blocks of spectrum, so as to promote spectrum efficiency and to allow the public the full benefit of its spectrum; and (4) ensuring that the spectrum—both ATV channels and recovered channels—will be used in a manner that best serves the public interest.

5. It has become apparent that the flexibility of the Grand Alliance system

will allow for more applications and alternative uses than we had previously contemplated. We are issuing this Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry to invite comment on several aspects of this changed ATV environment and their ramifications for this proceeding.

### A. Spectrum Issues

6. The Commission previously decided that ATV would be introduced by assigning existing broadcasters a temporary channel on which to operate an ATV station during a transition period and that the spectrum needed for the transition would be obtained from the spectrum currently allocated to broadcasting. We continue to believe that providing 6 MHz channels for ATV purposes represents the optimum balance of broadcast needs and spectrum efficiency. We invite comment, however, on any means of achieving greater spectrum efficiency.

### B. Definition of Service

7. We reaffirm in this proceeding our intention to preserve and promote universal, free, over-the-air television. We envision that the 6 MHz channel earmarked for ATV will be used for free, over-the-air broadcasting. The digital transmission system currently proposed would provide broadcasters with new flexibility and new capabilities as they embark on serving the American public with the next generation of television. Broadcasters will be capable of providing through ATV not only a vastly improved high definition picture, but also multiple program streams. In addition, the ATV system is capable of nonbroadcast uses that are nonvideo and/or subscription-based in nature. Allowing at least some level of flexibility would increase the ability of broadcasters to compete in an increasingly competitive marketplace, and would allow them to serve the public with new and innovative services. Flexibility could also allow for a more rapid transition to digital broadcasting. Nonetheless, any flexibility afforded broadcasters must not undermine our American system of universal, free, over-the-air television. In establishing a regulatory framework for the provision of ATV in light of this new flexibility, we therefore seek comment on the following questions:

- Should we require broadcasters to provide a minimum amount of HDTV and, if so, what minimum amount should be required?

- To what extent should we allow broadcasters to use their ATV spectrum for uses other than free, over-the-air broadcasting? We recognize that we

<sup>1</sup> Advanced Television ("ATV") refers to any television technology that provides improved audio and video quality or enhances the current NTSC television system.

<sup>2</sup> Our earlier Notices and Orders are: Notice of Inquiry, 52 FR 34259, September 10, 1987; Tentative Decision and Further Notice of Inquiry, 53 FR 38747, October 3, 1988; First Report and Order, 55 FR 39275, September 26, 1990; Notice of Proposed Rule Making, 56 FR 58207, November 18, 1991; Second Report and Order/Further Notice of Proposed Rule Making, 57 FR 21744 & 21755, May 22, 1992; Second Further Notice of Proposed Rule Making, 57 FR 38652, August 26, 1992; Memorandum Opinion and Order/Third Report and Order/Third Further Notice of Proposed Rule

Making in MM Docket No. 87-268, 57 FR 53679 & 53588, November 12, 1992.

<sup>3</sup> High Definition Television offers approximately twice the vertical and horizontal resolution of NTSC, which is a picture quality approaching 35 millimeter film, and has sound quality approaching that of a compact disc.

<sup>4</sup> Standard Definition Television ("SDTV") is a digital television system in which picture quality is approximately equivalent to the current NTSC television system.

currently allow broadcasters to use a portion of their analog spectrum for ancillary and supplementary uses that do not interfere with or detract from their primary broadcast function. Should such uses of the ATV spectrum be permitted and, if so, how should they be defined? What portion of the ATV system's capacity should be allowed to be used for ancillary and supplementary services?

- To what extent should we allow broadcasters to use their ATV spectrum for services that go beyond traditional broadcast television or ancillary and supplementary uses analogous to those allowed under our current regulatory regime? Should broadcasters be permitted to provide nonbroadcast and/or subscription services?<sup>5</sup> If so, how should such services be defined and how much of the ATV system's capacity should be allowed for such uses? If allowed, what regulation, if any, would be appropriate for such services?

8. In responding to the above questions, if commenters propose that licensees be required to meet any requirements (such as a minimum HDTV requirement) or be limited in providing ancillary and supplementary services, they should include comment on the administrative processes we would use to implement any requirements or limitations. For instance, how should we measure use—by the amount of time, data packet “headers,” or by some other means? Should the time of day when broadcast or other video service is offered have any significance? What administrative process should we use to enforce such a requirement—self reporting, complaints from the public, operating logs, etc.—and what costs would be associated with each?

### C. Eligibility Issues

9. The Commission has previously established that during the initial period, existing broadcasters would have the first opportunity to acquire ATV channels. Included in the class of existing broadcasters were: (a) All full-service television broadcast station licensees; (b) permittees authorized as of October 24, 1991, and (c) all parties with applications for a construction permit on file as of October 24, 1991,

<sup>5</sup> We note that, under our current rules, a licensee may provide video programming primarily on a subscription basis. We also note pending legislative proposals that contemplate granting us the authority to require licensees to pay annual spectrum fees where licensees charge the public for the new services provided on the conversion channels. We will publish a Public Notice or other appropriate document with respect to the effect on our ATV decisions of any relevant law enacted.

who are ultimately awarded full-service broadcast station licenses.

10. We continue to believe that initial eligibility should be limited to existing broadcasters given the shortage of suitable spectrum and our decision not to allocate additional spectrum for this purpose. We are still asking existing broadcasters to inaugurate a television service that will deliver a signal of superior quality. Furthermore, we are not creating a new service, and our eligibility restriction does not ultimately result in more spectrum for broadcasters or less spectrum for others. We are merely moving each existing broadcaster from one channel to a different channel in a one-for-one exchange designed to accomplish a number of long-term public interest goals.<sup>6</sup> Broadcasters will be required to cease their analog operations after a relatively short period, thereby permitting a swift, certain transition to digital technology and a rapid recovery of spectrum for the benefit of the public.

11. We believe that we are not precluded by *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945), from limiting initial eligibility to incumbent broadcasters, even if we permit flexible use of the digital system and especially since the broadcasters' “analog” operations will be shut down and one of the channels will be relinquished.<sup>7</sup> Under Section 309 of the Communications Act, as applied by the Supreme Court in *United States v. Storer Broadcasting Co.*,<sup>8</sup> we are authorized to set licensee eligibility standards. As an independent matter, we note that we also have authority under Section 316 of the Communications Act, 47 U.S.C. 316, to modify existing licenses as the public interest requires. In so doing, our actions are not governed by the hearing and other requirements of Section 309 of the Act.<sup>9</sup> In light of our authority

<sup>6</sup> There is ample precedent for our reallocation of spectrum in the public interest, even where such reallocation results in displacement of current users of the spectrum, and it is clear that we have broad discretion to do so. We have, in a number of contexts, moved users of spectrum to different bands.

<sup>7</sup> The Court of Appeals has held that *Ashbacker* applies only to parties whose applications have been declared mutually exclusive and does not apply to “prospective applicants.” *Reuters Ltd. v. FCC*, 781 F.2d 946, 951 (D.C. Cir. 1986). No *Ashbacker* rights would be triggered because we are defining the category of eligible applicants rather than rejecting one *bona fide* applicant without comparing it to the others.

<sup>8</sup> 351 U.S. 192 (1956).

<sup>9</sup> Section 316 does not require us to accept petitions to deny an application filed as a result of a proposed modification, but it does require us to consider protests filed by other licensees or permittees who believe their own licenses or

under both *Storer* and Section 316 of the Act, we invite comment on our tentative conclusion that no *Ashbacker* problem is presented by our proposals.

12. While we reiterate our tentative conclusion to limit initial eligibility for ATV frequencies to existing broadcasters, we seek comment on the potential impact our proposal would have on the Commission's long standing policy of fostering programming and ownership diversity. Specifically, we seek comment on what measures, if any, the Commission may adopt to include new entrants into this emerging era of digital television.

13. Some parties have suggested that we should auction the spectrum intended to be used for ATV service. Section 309(j) of the Communications Act of 1934, as amended, limits the uses of spectrum that is subject to being auctioned. It specifically requires that, “the principal use of such spectrum will involve, or is reasonably likely to involve, the licensee receiving compensation from subscribers. \* \* \*” Our experience and our judgment concerning market conditions lead us to believe that the broadcasters would use this spectrum for free over-the-air broadcast service; therefore, it cannot be auctioned under Section 309(j). For this reason, as well as those set forth above, we reiterate our previous decision to limit initial eligibility to existing licensees. Commenters may address whether any changed circumstances should alter this conclusion.

14. Given our decision not to allocate additional spectrum for television broadcasting, the number of transition channels is limited. Therefore, we also solicit comment on granting eligibility status to those broadcasters that are in bankruptcy, off-the-air, have construction permits or are otherwise non-operational, or otherwise incapable of engaging in the transition to digital television. We specifically request comment on whether the transition channels identified for these licensees or permittees would be better used to support service to the public if instead they were made available to new entrants.

### D. Public Interest Obligations

15. Our rules imposing public interest obligations on broadcast licensees flow from the statutory mandate that broadcasters serve the “public interest, convenience and necessity,”<sup>10</sup> as well as other provisions of the Communications Act. Broadcasters are

permits would be modified by the Section 316 modification. See 47 U.S.C. § 316(a)(3).

<sup>10</sup> 47 U.S.C. 307(c). See also *id.* § 307(a).

required to air programming responsive to community needs and interests. They are required to air programming designed to "serv[e] the educational and informational needs of children." They must provide "reasonable access" to candidates for federal elective office, and must afford "equal opportunities" to candidates for any public office. Broadcasters are also obliged to refrain from airing certain programming, such as indecent programming outside the "safe harbor" period. Finally, in order to promote diversity of viewpoint, broadcasters must refrain from discriminating in employment and must establish and maintain an equal employment opportunity ("EEO") program designed to provide equal employment opportunities for minorities and women. Our previous orders reflect the assumption that public interest obligations would attach to ATV broadcasting. Indeed, that broadcasters "have an obligation to serve the public interest" is one of our reasons for limiting initial eligibility for ATV channels to existing broadcasters.

16. We remain committed to enforcing our statutory mandate to ensure that broadcasters serve the public interest. Our current public interest rules, including those implementing specific statutory requirements, were developed for broadcasters essentially limited by technology to a single, analog video programming service. The potential for more flexible and dynamic use of the advanced television channel than what broadcasters currently enjoy gives rise to important questions about the nature of public interest obligations in the digital broadcasting world. We request comment on how the conversion to digital broadcasting should affect broadcasters' obligation to serve the public interest.

17. Our future rules may allow broadcasters to use their advanced television channels to provide a high definition television service, multiple standard definition television services and perhaps other services, some of which may be on a subscription basis. Should a licensee's public interest obligations depend on the nature of the services it chooses to provide and, if that is the case, how so? For example, if a broadcaster chooses to provide multiple standard definition services, should public interest obligations attach to each one? What if one or more of those services are provided on a subscription basis? Alternatively, should public interest obligations be seen as attaching not to services but to licensees, each of whom would be required to operate the facilities associated with its 6 MHz ATV channel

in the public interest? We note that attaching a public interest requirement on one type of "service" could skew broadcaster investment away from providing that service—a situation that could potentially result in a net public interest loss. Commenters are requested to discuss whether, if Congress grants the Commission the requisite authority, we should consider imposing spectrum fees for that portion of the spectrum used by broadcasters to provide subscription services. We note that the use of spectrum fees may allow the Commission to establish a regulatory framework that does not discourage broadcasters from providing free over-the-air channels or other services to which public interest obligations might attach. We also invite comment on whether the conversion to digital broadcasting justifies other changes in our public interest framework.

18. Finally, we express our intention to continue to apply EEO requirements on broadcasters. We ask, however, whether there are additional means available to further our objective of promoting diversity of viewpoints in a digital world.

#### *E. Transition*

##### *1. Simulcast Requirement*

19. Previously, we determined that ATV licensees should simulcast on their NTSC stations the programming offered on their ATV stations. We preliminarily decided that, beginning one year after the six year application and construction period, ATV licensees would have to simulcast 50 percent of their ATV programming, increasing to 100 percent two years later. Additionally, we indicated that we would review this schedule at the time of our initial review of the pace of conversion at the end of the application/construction period and immediately prior to the imposition of 100 percent simulcasting.

20. Our concern was, and remains, that consumers not be prematurely deprived of the benefits of existing television equipment. We also stated that requiring simulcasting would assist us in reclaiming the analog channel as soon as possible by minimizing broadcaster and consumer reliance on the ATV and NTSC channels carrying separately programmed services. Additionally, we believed that a simulcast requirement would "give added impetus to ATV receiver penetration by eliminating the need for dual mode receivers capable of receiving both NTSC and ATV," thereby helping to lower the cost of ATV

receivers, spurring increased penetration.

21. These decisions were appropriate and practical when it appeared that ATV would primarily consist of the broadcast of a single HDTV program service. However, it is apparent that a digital TV system can be used to transmit multiple simultaneous SDTV program services. Obviously, a licensee would be unable to simulcast multiple program services on its NTSC channel. Under such circumstances, it is clear that our simulcasting requirement must be revisited and we must consider alternatives.

22. The simulcasting requirement was in large measure intended to allow consumers to avoid being prematurely deprived of the benefits of their NTSC video equipment. We hoped to avoid having broadcasters move their best programs to HDTV, with the result that large numbers of viewers that do not have HDTV equipment would lose much of the value of broadcast television service. At the present time, this no longer appears to be a likely prospect. We do not foresee broadcasters taking their best programming off of their NTSC stations and putting it on HDTV where potential audiences will, at first, be small. Similarly, we do not see broadcasters moving their best programming off of NTSC and on to ATV early in the conversion process. We believe that, instead, the market will continue to serve consumer demand by assuring the continued presence of good programming on NTSC channels. However, we still perceive a need for a simulcast requirement, albeit different from that first envisioned.

23. Some number of consumers, unaware of the transition to digital television or unable to afford replacement equipment, may continue viewing analog television throughout the transition period. At the end of the transition period, we may be confronted with the choice of either terminating analog service, causing such viewers to lose their only source of free broadcast service, or, alternatively, allowing analog broadcasting to continue, thereby depriving the broad general public of the benefits that we believe are to be found from the recovery of one of the channels. We wish to avoid either alternative and believe that a simulcasting requirement may be useful in speeding the migration of these consumers from analog to digital broadcasting. Accordingly, we propose to require the simulcast of all material being broadcast on the licensee's NTSC station (with the exception of commercials and promotions) on a



program service of the ATV channel. If a program is available only on the analog service, then all viewers (those with digitally capable and analog-only sets) will need to watch it in the analog service. In a simulcast environment, the number of consumers who will lose access to a specific program service will be reduced by the number who have a digitally capable set or set top converter.

24. We ask parties to comment on this proposal, including assessing its impact on broadcasters' ability to provide HDTV service, and to offer other viable alternatives, keeping in mind our goals of avoiding a reliance on NTSC service and assuring recovery of large blocks of contiguous spectrum at the conclusion of a speedy and smooth transition process. We are open to suggestions and will consider any option that does not slow the conversion to digital television. For instance, commenters may wish to comment on whether the simulcast requirement should be tradeable. That is, should a licensee be permitted to purchase time on a competitor's ATV station on which to broadcast its analog programming?

25. Also, we seek comment on the phasing in of a simulcasting requirement. We believe that at the beginning of the transition a broadcaster should be required to simulcast little or no NTSC programming. Few viewers would have ATV receivers at that stage. Later, as fewer consumers depend upon analog television and ATV equipment proliferates, we tentatively believe that the simulcasting requirement should be increased. Commenters are invited to comment on the relevant time periods for each phase and the amount of simulcasting that should be required in each such phase.

## 2. Licensing of ATV and NTSC Stations

26. We revisit the question of whether licensees' NTSC and ATV station licenses should be considered a single license or two separate and distinct licenses. We previously decided to treat the licensee as having two paired licenses. That is, each licensee's NTSC and ATV station would receive a separate license. Because the licenses were to be paired, however, if a licensee's NTSC license were to be revoked or not renewed while its ATV application was pending, the licensee would lose its priority eligibility status. Also, if either a licensee's NTSC or ATV license were revoked or not renewed, the remaining license would automatically suffer the same fate. We nonetheless indicated that we would consider permitting a licensee to voluntarily surrender its NTSC channel while retaining the corresponding ATV

channel on a case-by-case basis in the interest of spectrum efficiency.

27. We decided that broadcasters would be operating two distinct facilities having different characteristics and, frequently, transmitting from different locations. Treating the ATV and NTSC channels as separately licensed facilities would, we concluded, simplify enforcement and administration. However, we paired the two licenses to prevent the separate transfer of one channel of the pair because we believed that would make it impossible to recapture one of the 6 MHz channels at the end of the transition period and still leave the existing licensee with a broadcast outlet.

28. We tentatively conclude that substantial benefits could be obtained if, instead of licensing the NTSC and ATV facilities separately, we authorized both under a single, unified license. It would ease administrative burdens on the Commission and broadcasters alike by reducing the number of applications that would have to be filled out, filed and processed. Licensing the two facilities under a single authorization is also consistent with our view that the authorizations may be issued pursuant to our broad authority under Section 316 of the Act to modify an existing license. Finally, treating the two facilities under a single license would retain the sound policy announced in the Second Report/Further Notice of treating both facilities the same from the revocation/non-renewal standpoint. We seek comment on this tentative conclusion.

29. Commenters advocating separate licenses for the ATV channels may wish to address whether, if NTSC and ATV licenses were licensed separately, we should allow the sale of an authorization for an unbuilt ATV facility. Allowing such transfers could speed the transition to digital ATV by putting transition spectrum into the hands of parties willing and able to construct ATV facilities. Commenters should be mindful, however, that even if NTSC and ATV licenses were to be issued separately and unpaired the NTSC licensee would have to cease its NTSC operations at the end of the transition period. Moreover, unpairing the NTSC and ATV licenses would raise complex issues regarding simulcast and retransmission/must carry rights. In the event we adopt an NTSC-ATV simulcast requirement, should the transfer of a separated ATV license be permitted only if the programming on the accompanying NTSC license were simulcast in digital?

## F. Transition Period

30. In the Third Report/Further Notice we made a preliminary decision to establish a transition period that concludes 15 years from the date of adoption of an ATV system or a final Table of ATV Allotments is effective, whichever is later. In addition, we adopted a schedule of periodic reviews to permit us to monitor the progress of ATV implementation and to make any necessary adjustments. We decided that the transition period should not be modified without a substantial showing that the change is in the public interest. We reiterated that we planned to award broadcasters interim use of an additional 6 MHz channel to permit a smooth, efficient transition to an improved technology with as much certainty and as little inconvenience to the public and the industry as possible. Finally, we clarified that, in general, broadcaster who do not convert to ATV will nevertheless have to cease broadcasting in NTSC at the end of the 15-year transition period.

31. There may now be reasons to expect that broadcasters will adopt ATV more rapidly than was anticipated in 1992, when we last analyzed the transition period. The broadcast industry, including equipment manufacturers, have been at the forefront of developing digital technology for television. Other new services, such as "video dialtone," that would use digital transmission technologies are also being initiated or planned. In this environment, broadcasters have added incentive to convert more rapidly in order to remain competitive.

32. Consumers will buy or rent digitally capable receivers or set-top converters as their choice of digitally-based video products expands. For each household which transitions to any of the new media, including over-the-air digital, there will be at least one less television set reliant upon over-the-air NTSC analog transmissions. Given the degree of competition that exists between suppliers of electronic equipment, and expected economies of scale resulting from the proliferation of digitally based media, we anticipate that declining costs will translate into reduced prices and increased sales of digital receivers and converters to consumers.

33. We previously cautioned that broadcasters' cessation of NTSC transmission and surrender of a 6 MHz channel would depend on ATV becoming the prevalent medium, stemming in part from our concern over the number of households that might

continue to rely on NTSC transmissions. As discussed above, purchase of an ATV receiver or converter is not the only meaning of ending reliance on NTSC transmission, so projections solely of ATV receiver penetration may not be the most accurate benchmark for deciding when broadcasters should cease NTSC transmission and surrender a 6 MHz channel.

34. We now wish to consider whether some objective benchmark(s) could be used to determine when broadcasters should cease NTSC transmission. Is it possible to end the transition period in a market by tying the transition period to some objective benchmark(s)? If so, what benchmark(s) should be used? The conversion could be considered complete when the number of households that rely on NTSC has fallen to a given percentage. We ask parties to comment on tying the transition period and final conversion date to the percentage of households in a market that rely on NTSC transmission. If the final conversion date is triggered when the number of households that rely on NTSC falls to a given percentage, what should the threshold percentage be that triggers the final conversion date? How would we measure the number of households that rely on NTSC transmission from year to year? Should we measure households or television sets? What other objective benchmarks should we consider in determining the transition period and the final conversion date? To what extent should the availability of inexpensive digital receivers and converters be used as a benchmark in determining the length of the transition period?

35. We previously reasoned that by adopting a target date approach we could speed the transition to digital technologies. Are there mechanisms other than the date certain approach that we adopted in 1992, that we could put in place to create incentives for rapid adoption of ATV by consumers, broadcasters, manufacturers, and others? For example, should we consider having the transition period end at the earlier of a date certain or attainment of an objective benchmark? We seek information on how broadcasters could assist consumers by providing alternate methods of acquiring or leasing digital equipment in the short term so that the transition costs can be reduced and the transition schedule can be shortened. Could broadcasters in a market cooperate in leasing converters and/or ATV receivers to consumers? Would cooperation between broadcasters in a market raise anti-competitive concerns? If so, how could the cooperative arrangements of

broadcasters be adapted to reduce household reliance on NTSC transmission without raising these concerns?

#### *G. Recovery of Spectrum*

36. We have put broadcasters on notice that when ATV becomes the prevalent medium, they will be required to surrender a 6 MHz channel and cease broadcasting in NTSC, reiterated that we are awarding broadcasters interim use of an additional 6 MHz channel, and clarified that broadcasters who do not convert to ATV will nevertheless have to cease broadcasting in NTSC.

37. The rationale underlying the recovery of spectrum was the freeing of spectrum of significant value for other uses. The spectrum to be used for the transition to ATV has significant value for other services and benefits and that any delay in reclaiming the reversion spectrum carries potential costs to the public.

38. When the transition to digital technologies is complete, we must have some mechanism in place to recover the extra 6 MHz channel. One option would be to continue renewing licenses for five year periods but explicitly terminate authority to use one of the 6 MHz channels at the end of the transition period. If we were to adopt a "two-license" approach, one of the two licenses could expire at the end of the transition period. We ask parties to comment on the advantages and disadvantages of each approach.

39. We remain committed to the recovery of spectrum. In addition, we believe that spectrum will be of greater value if available in large contiguous nationwide blocks. To create contiguous blocks of spectrum following the transition period, it may be necessary to move some digital broadcast stations to new channels that are contiguous with others. This would have the effect of condensing broadcast assignments to a narrower band of spectrum without eliminating any licenses. Today, television broadcasters have over 400 MHz assigned to them, but NTSC technology does not permit all of the channels to be used in the same geographic area. We believe that the "Grand Alliance" digital system does not have these difficulties. By moving some digital broadcast stations, we would be able to obtain a more spectrum-efficient arrangement by condensing broadcasting assignments to less than 400 MHz. We believe that information concerning spectrum recovery and moving some digital broadcast stations to new channels should be solicited at this time to assure the future availability of contiguous

spectrum and encourage immediate planning and investment in new services. We request comment on our tentative plans to create contiguous blocks of spectrum.

40. While broadcasters have been given notice that they must surrender a 6 MHz channel after full conversion to digital technologies, no final decisions have been made concerning which of the two channels would be surrendered. Allowing licensees to determine which 6 MHz channel they would use for digital transmission and which channel they would surrender may result in broadcasters providing digital services on channels scattered throughout the VHF and UHF broadcast band. Allowing this would inhibit the formation of large contiguous blocks of spectrum. To minimize the number of digital broadcast stations that may need to be moved to new channels to facilitate the creation of large contiguous blocks of VHF and/or UHF spectrum, it will likely be necessary for us, not the licensee, to determine which 6 MHz channel the broadcaster must use for digital transmission and which channel must be surrendered. Also, we believe that by making these decisions early we can aid broadcasters in their investment decisions.

41. In order to create the maximum amount of contiguous spectrum following the transition period, it may be necessary to move some digital broadcast stations to new channels. We recognize that there are costs associated with moving stations to new channels. We request comment on the benefits and costs of moving stations to new channels. We also seek comment on how to minimize the costs of moving stations to new channels. Finally, we ask parties to comment on whether each broadcaster should pay for its own move, whether all broadcasters should pay for the costs of relocation, or whether the licensee the bumps the broadcaster should pay to move the broadcaster, as was done in the emerging technologies band for PCS.

#### *H. Length of Application/Construction Period*

42. We previously granted existing broadcasters three years from the effective date of ATV system selection or an ATV Allotment Table, whichever is later, in which they exclusively may apply for a preferred or "set-aside" ATV channel, and a total of six years to both apply for and construct an ATV facility. We previously stated that such factors as the time needed to raise the necessary capital to invest in ATV technology, to plan for the creation of a new station, including, in some cases, having to

locate a new transmitter site, and to allow ATV equipment to become available, required that we establish these application and construction periods.

43. We propose to establish a procedure by which broadcasters have six months in which to make an election and confirm to the Commission that they want an ATV license. After that, they would have the remainder of the three-year period in which to supply supporting data as we may require. If they elect not to construct an ATV facility, or elect to construct but do not proceed to do so, their NTSC licenses will expire at the end of the ATV conversion period and they will have to cease broadcasting. This process would have the benefit of identifying early on locations where existing broadcasters do not want to transition to ATV and where applications from new entrants for ATV stations could therefore be considered.

44. We ask that commenters address all aspects of the construction period. Is the current six-year period appropriate, too long, or is it insufficient? We believe that the exclusive eligibility period can be shortened, primarily by requiring licensees to make an election within the first six months after the adoption of an ATV standard or final Table of Allocations, whichever is later, as to whether to convert. This should not place an undue burden on licensees. Broadcasters have now been on notice for a number of years of the general direction in which we are moving toward digital television and some, we understand, have begun planning in earnest for the transition. Moreover, much digital broadcasting equipment has been developed and demonstrated. Commenters should provide information on their ability to apply for and construct ATV facilities and discuss the difficulties they would have in meeting a shorter time frame.

45. Nevertheless, we are mindful of the difficulties to be encountered by television broadcasters converting to ATV. Sources of financing may be limited and their willingness to support the conversion is unknown. For some stations tower sites may need to be found, leases negotiated and towers built. Equipment will have to be purchased and installed, and the capacity of industry to supply over 1500 broadcasters with new equipment, from cameras to transmitters to antennas, all within the same time frame is not currently known. Given the different aspect ratio for ATV as opposed to NTSC, new studio sets may have to be designed and constructed in order for stations to originate programming. We fully appreciate that this transition will

not be an easy task. Accordingly, we request comment on the practical difficulties licensees will have in successfully undertaking the conversion and on proposed solutions.

#### *I. Small Markets*

46. We previously decided not to adopt a "staggered approach" to initial ATV implementation with large markets required to implement first and small markets last. While recognizing that small market stations produce less revenue than those in large markets, adversely affecting their ability to finance the transition, we also noted that our extension of the application/construction period to a total of six years, and our "sliding scale" approach<sup>11</sup> should provide small market stations adequate relief. Nevertheless, we indicated that if the application/construction period appeared insufficient, we could adjust it at later reviews.

47. We now seek comment on whether we should reconsider this decision, and if so, on what type of relief should be provided from the six year deadline and to whom? For example, should there be a general extension of the deadline for a certain class of stations? If so, for how long and to whom? Should it be to stations that make a showing of financial hardship and if so how would that be defined? Should there be a different rule for small markets? What about stations serving economically disadvantaged areas? How should "small markets" or "economically disadvantaged areas" be defined? Commenters should address whether such a general extension would result in slowing the implementation of advanced television in these markets.

48. We also seek comment on whether a waiver would be an appropriate way to address the issues of stations who can not afford to make the transition to digital. If commenters believe a waiver would be an appropriate mechanism, they should specify what factors the Commission should consider in granting such a waiver. They should also address ways to reduce the administrative burden of such a waiver process on the Commission and on licensees.

<sup>11</sup> Under the sliding scale approach, parties applying early in the six-year application/construction period would have the remainder of the application period and the full three-year construction period in which to construct. Thus, they would have a longer time to devote to construction of ATV facilities than those applying later. Should we adopt our proposal to require an election by the end of the sixth month, licensees filing earlier in the remaining two-and-one-half years would still have more time in which to construct than those filing later in that period.

49. Finally, we seek comment on an alternative proposal which would allow the Commission to automatically extend the deadline for a licensee that has not built after the six-year period if no one else files for the ATV license. If, at the end of the six-year period, another party applies to construct the unbuilt ATV facility, should we permit the incumbent broadcaster to retain its preferential status if it makes a sufficient showing in this regard? Such a policy would recognize that in some markets economic factors may not support all of the stations introducing digital broadcast within the six-year time frame. If, however, there is a new entrant who can provide service immediately, then the public might be better served by the immediate initiation of service.

#### *J. Noncommercial Stations*

50. We earlier sought comment on whether some additional measures of relief or further action should be taken on behalf of noncommercial stations with respect to the presumptive six-year application/construction deadline. We indicated that we would consider a wide array of alternatives to mitigate the problems faced by noncommercial broadcasters.

51. Commenters addressing the difficulties of noncommercial broadcasters in converting to digital television chiefly seek relief with respect to the financial qualifications that they would have to demonstrate. The Association of America's Public Television Stations, Corporation for Public Broadcasting, and Public Broadcasting Service ("Public Television") argue that, because of funding constraints, it will take substantially longer than three, or even six years, for public stations to be able to obtain necessary funds to convert to ATV. Public Television asks that noncommercial educational stations be allowed to file ATV applications without certifying or demonstrating financial qualifications on the filing date. Rather, it believes such licensees should be given three years after the filing of an ATV application to demonstrate, with a business plan, how they will raise matching funds and that public broadcasters should not have to make any showing with respect to having sufficient access to funds to meet their operating costs in the first 90 days of operation. Public Television asks that we accept no competing applications while that application is being processed. In this way, public broadcasters would be able to timely file and avoid the possibility of being able to obtain only a short-spaced UHF

channel, a VHF transition channel, or no channel at all.

52. The National Association of College Broadcasters ("NACB") asks that the Commission reserve ATV channels in the same proportion as they are reserved on NTSC. Arizona State also urges that each vacant noncommercial allocation be kept in reserve for future public ATV use. Both NACB and Arizona State ask that we provide noncommercial educational television stations with additional time in which to apply for, and construct ATV facilities.

53. It is clear from comments received that noncommercial licensees will face unique problems in their transition to ATV, chiefly in the area of funding, where noncommercial broadcasters appear to be subject to the vagaries of forces and parties beyond their control. Indeed, historically, we have recognized "that in making our statutory findings as to financial qualifications, greater leeway must be accorded the educational station because of its very nature." *NTA Television Broadcasting Corp.*, 44 FCC 2563, 2574 (1961). (Citation omitted.)

54. Commenters should address whether noncommercial broadcasters would obtain sufficient relief in the event that we adopt for all existing broadcasters a paired channel assignment scheme and requirements such as proposed above. If we do not adopt that proposal or, if adopted, it does not provide sufficient relief for noncommercial broadcasters, we ask for comment on what further relief would be appropriate and will permit them to participate in the channel assignment process on an equitable basis. In particular, commenters may address the implications of our system instead of a fixed channel scheme.

55. A second problem that noncommercial broadcasters commented on was the length of the application/construction period. We have previously expressed our belief that to provide different schedules for commercial and noncommercial broadcasters would not be conducive to the goal of a speedy and smooth transition. It is still our preference to establish a firm transition schedule, but with the safeguard of having that schedule subject to periodic review. Additionally, unique problems can be dealt with on a case-by-case basis. We believe this may be preferable to establishing two separate classes of broadcasters, each with its own schedule, causing confusion to the public and additional administrative burdens to the Commission.

56. Additionally, commenters should address other things that the Commission can do to assist them in their conversion to ATV. For instance, the broadcast of "advertisements" is currently prohibited by Section 399B of the Communications Act. Commenters may want to address whether this should be viewed as applying only to one program service or, if to all program services broadcast by noncommercial broadcasters, whether it would be desirable for the Commission to seek legislative alteration of this prohibition. We also ask commenters to discuss whether the transition to digital by noncommercial broadcasters might be facilitated through re-defining what "noncommercial" means. If the Commission mandated only that the minimum required broadcast programming must be "noncommercial," would it be possible for noncommercial broadcasters to finance the transition through commercial and flexible uses of the spectrum that would not interfere with the noncommercial broadcast stream? Is there other relief that we can grant noncommercial broadcasters to minimize restrictions on their operations and allow them greater flexibility?

#### *K. All-Channel Receiver Issues*

57. In 1962, Congress adopted the All Channel Receiver Act, which authorizes us to require that television receivers "be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting."<sup>12</sup> Pursuant to this authority we required that all TV receivers be capable of UHF channel reception and adopted standards to make reception of UHF channels comparable with reception of VHF channels.<sup>13</sup> We previously determined in this proceeding that the All Channel Receiver Act does not mandate the manufacture of dual-mode (ATV and NTSC) receivers. We expressed concern that such a requirement might overly or prematurely burden consumers, and sought comment on whether there is any need to require that manufacturers produce receivers capable of both NTSC and ATV reception during the period prior to full conversion to ATV.

58. With ATV now considered to include both HDTV and SDTV, we request comment on whether SDTV receivers should be required to have the ability to receive an HDTV signal or vice versa, and whether we should regulate how such a signal must be displayed.

We understand that companies are working on receiver designs that would display the Grand Alliance HDTV signal as a lower resolution SDTV picture. Such as conversion could result in relatively inexpensive receivers or converter boxes for NTSC receivers, compared with the projected HDTV receiver costs. We seek comment on whether permitting the manufacture and sale of receivers that display only NTSC, SDTV, or HDTV signals, or a combination of two but not all three, would be consistent with the All Channel Receiver Act or otherwise would be in the public interest. Should we require that, during the transition period, all sets be capable of receiving and displaying NTSC and SDTV signals? Should we require "all-format" receivers capable of receiving and displaying NTSC, SDTV and HDTV signals, and, if so, how should we require HDTV signals to be displayed, in a true HDTV fashion or as a lower resolution SDTV picture? What impact should a decision not to require HDTV broadcasting have on whether we should require all receivers to have HDTV reception and display capabilities? Should a decision on one be coupled with the other? What impact should a decision to adopt only minimal broadcast SDTV requirements have on this question? Would limiting the sale of NTSC equipment help consumers by assuring that they do not purchase equipment that will soon be obsolete, or harm them by, for example, depriving them of access to equipment they may need to obtain the benefit of other video equipment they have, such as VCRs? If we permit the sale of NTSC equipment, should we require a visible label warning that, as of a date certain, it will no longer be able to provide over-the-air broadcast reception? Or, if we permit the sale of NTSC equipment after the specified date, should we require that the sale of such equipment be accompanied by the provision of or ability to use a digital converter? We believe that the All Channel Receiver Act provides us with adequate authority to address these issues. We ask for comment on how we should exercise it.

#### *L. Must Carry and Retransmission Consent*

59. We have not previously addressed the impact of ATV on cable television carriage or retransmission consent obligations. Sections 614 and 615 of the Communications Act of 1934 contain the cable television "must carry" requirements. Section 325 contains revised "retransmission consent" requirements, pursuant to which cable operators may be required to obtain the

<sup>12</sup> 47 U.S.C. 303(s).

<sup>13</sup> See 47 CFR 15.117.

consent of broadcasters before retransmitting their signals. Within local market areas broadcasters have an option to proceed under either the retransmission consent or the mandatory carriage requirements. These provisions were added by the Cable Television Consumer Protection and Competition Act of 1992,<sup>14</sup> subsequent to the adoption of our last decision in this proceeding.

60. Under the mandatory carriage provisions, cable operators, subject to certain capacity based limitations, are generally required to carry the signals of local television stations on their cable systems.<sup>15</sup> Section 614(b)(4)(B) of the Act requires that, at the time we prescribe standards for advanced television, we "initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such \* \* \* standards." While we have not yet prescribed standards for advanced television, in the sense of having defined or determined final standards, we believe it timely to begin our consideration of must-carry obligations at this point.

61. Clearly, during the transition period, at least the station's NTSC channel will be subject to must carry obligations. During the transition period, when, under our original plan, the NTSC channel would have been carrying 100% of the HDTV programming being aired on the conversion channel, there did not appear to be a must-carry problem because, as long as the two were carrying duplicative programming, the NTSC and commonly owned HDTV stations would not both have had to have been carried.<sup>16</sup> But, if we change the simulcast requirement, programming on the NTSC and ATV channels might not be duplicative, and both might qualify for carriage. Additional issues are raised if the conversion channel is being used for the transmission of multiple SDTV program services. If carriage of all material being broadcast by the station were required,

the dedication of, for instance, five cable channels (one for the NTSC programming and, for example, four multicast programs being offered on the conversion channel) might be required. Thus, a review of the must carry and retransmission consent rules now is an important component of this proceeding. In addition, it is necessary to clearly identify any issues regarding cable carriage that need to be factored into the ATV transitional rules, technical standards, and regulatory policies in order to facilitate the most productive possible interaction between ATV broadcasting and cable television service.

62. We seek comment on any relevant differences in rules or policies that might be needed both during the transition and as a consequence of ATV having replaced NTSC broadcasting. For instance, how should channel capacity be defined in a digital environment, i.e., in terms of channels, bandwidth, or bits of data per second? Does "on-channel" carriage have the same meaning in a digital as it does in an analog environment? Should "substantially duplicates" include duplication of programming in different transmission formats? Will changes in station coverage require changes in carriage obligations? Additionally, what is the meaning of "primary video" in the context of digital broadcast transmission?<sup>17</sup> Is there appropriate parallel to line 21 of the vertical blanking interval of NTSC stations for ATV stations? What, if any, flexibility does the Commission have under Section 614(b)(4)(B) to modify requirements applied by the Communications Act to NTSC signals in the new digital environment? For example, does the Commission have authority to address "A/B" switch issues to enhance subscriber access to signals or portions of signals that may not receive carriage notwithstanding the existing prohibition? Is a revised definition of "basic tier" needed? Is a common retransmission/must carry election required for all of the video programming from an individual broadcast license in a market or just for

one "primary video" stream, as defined by the broadcast licensee? In the more flexible broadcast environment associated with digital transmission would changes be needed in the rules that mandate that local signals be carried in their entirety even if carried under the retransmission consent option? Are there other issues relating to the retransmission consent process that would need to be addressed?

63. A second set of issues relates to the technical interface and associated cost and rate issues. We expect that there will be parallel development of both cable and broadcast digital video communications. At the same time, it is inevitable that particular cable systems and particular broadcast markets will progress on different time schedules. Accordingly, issues will arise as to how digital broadcasts may be carried on cable systems that are still entirely analog in their opinions, are partially analog and partially digital, or that are entirely digital. With respect to each type of operation there are potential issues relating to headend equipment, transmission plant, subscriber premises equipment, and type of digital transmission system that may arise. Accordingly, we seek information on what technical modifications may be needed to enable cable systems to deliver ATV signals to subscribers and what costs may be associated with these modifications. How should digital broadcast programming be required to be carried? Should it be required to be carried digitally or would it be adequate to have it carried in whatever format the cable operator selects? Does "material degradation" in the statute require that HDTV signals be carried in an HDTV format? Further, we need to begin to consider and seek comment on what, if any, changes may be warranted in the rate regulation process, in the technical standards, or in other rules to account for the changes resulting from ATV carriage.

64. Assuming that an appropriate set of rules can be developed for application at the end of the transition period, an interim process is still needed to govern the transition from NTSC to ATV broadcasting. During the period when broadcast licensees are broadcasting in both the existing NTSC analog mode and in the new ATV mode, what should the carriage obligations be? Must both signals be carried and if not should the change from NTSC to the ATV signals be at the discretion of the cable operator or the broadcaster? Alternatively, should it be based on a fixed transition schedule or on an external event such as the market penetration of digital television

<sup>14</sup> Pub. L. 102-385, 106 Stat. 1460, codified at 47 U.S.C. 521 *et seq.*

<sup>15</sup> Although we recognize that there is an ongoing challenge to the constitutionality of the existing requirements, *Turner Broadcasting System v. FCC*, 114 S. Ct. 2445 (1994), we assume for purposes of this discussion the validity of the existing statutory provisions. Parties are welcome to comment on the implications of any of the issues involved in this proceeding in terms of the judicial sustainability of any future requirements.

<sup>16</sup> See Section 614(b)(5) of the Communications Act of 1934, as amended (47 U.S.C. § 534(b)(5)).

<sup>17</sup> Section 614 of the Act requires carriage of "the primary video, accompanying audio, and line 21 closed caption transmission" of each local commercial broadcast station carried on the cable system. Also required, to the extent technically feasible, is carriage of program-related material carried in the vertical blanking interval or on subcarriers. Similar requirements are found in Section 615 with respect to noncommercial educational stations. However, "[r]etransmission of other material in the vertical blanking interval or other nonprogram-related material (including teletext and other subscription and advertiser supported information services) shall be at the discretion of the cable operator."

receivers or the system operator's transmission of its own digital video programming? Given the complex economic and technical interrelationships between broadcasters and cable operators during this transitional period, are there market mechanisms that can be incorporated into the rules to facilitate cooperation?

#### **V. Third Notice of Inquiry**

65. Over 400 MHz of spectrum in the VHF and UHF bands is currently allocated to television broadcasting. As part of our long-term plans to promote spectrum efficiency, we are considering reducing the amount of spectrum allocated television broadcasting, which, as explained above, could be accomplished in the digital environment without reducing the number of broadcasters in any market due to the inherent efficiencies of the proposed digital system. If we were to readjust channel assignments, we would need to know where in current broadcast spectrum broadcasters would eventually be located. Although we previously preliminarily viewed UHF as the part of the spectrum to which all television broadcasting would be moved, we now question the tentative conclusion. Accordingly, at this time, we ask parties to comment on the best place for broadcasting. Specifically, we seek comment on which parts of the VHF and UHF bands are most highly valued for broadcast use (e.g., VHF, lower UHF, middle UHF, upper UHF). We also request commenters to identify the costs associated with placing television broadcasting in each of the four possible locations.

66. Today, TV broadcasters have over 400 MHz assigned to them, but because of interference and market forces, on average only 80 MHz is used per market. In the top markets, around 120 MHz is used. Digital broadcasting will allow much more efficient and intensive use of this spectrum. During the transition period, however, digital TV stations must operate alongside NTSC stations. The digital TV system will enable us to authorize these stations under controlled circumstances (each channel will be available only at certain locations with limits on radiated power and effective antenna height) to minimize interference to NTSC and digital TV service. While these digital stations allow for the development of many new broadcast services, they would be of limited value for other users because they generally would not occupy a contiguous block of channels, there would be no common nationwide channels, and their use would be restricted by the need to avoid

interference with NTSC analog television sets. When the transition to digital is completed, however, and the analog NTSC stations are turned off, we have an opportunity to create contiguous blocks of spectrum nationwide. Some or all of this spectrum could be allocated and auctioned. We ask commenters to provide estimates of the total amount of contiguous spectrum blocks that could be created following recovery of the NTSC channels. We also seek estimates of the total market value of these contiguous blocks of spectrum. What services would be most efficiently provided using contiguous blocks of spectrum? We request that commenters explain the methodology and analysis used to derive estimates of the amount and value of contiguous spectrum. In addition to the broadcast industry, we solicit comment from other industries (e.g. land mobile and computer) that may have an interest in providing services using these blocks of spectrum.

#### **Administrative Matters**

67. Pursuant to applicable procedures set forth in Sections 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 April 17, 1995, and reply comments on or before May 17, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in the proceeding, you must file an original plus four copies of all comments, reply comments, and support comments. If you want each Commissioner to receive a personal copy of your comments you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554.

68. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

#### **Initial Regulatory Flexibility Analysis**

##### *I. Reason for Action*

69. The Commission seeks comment not only on a variety of new issues central to the development of advanced television service in the United States,

but on several of the tentative decisions made earlier in this proceeding because of the rapidly changing nature of digital television. Advanced television, at the time this proceeding was initiated was envisioned primarily as a system for improving higher picture and sound quality, limited to transmitting/receiving a single channel of television. The emergence of digital technology with its extensive flexibility and the approach of the National Information Infrastructure require that the Commission review the issues surrounding high definition television from a new, more expansive perspective.

##### *II. Objectives of the Action*

70. The *Fourth Further Notice of Proposed Rulemaking* portion of this decision solicits comment on a variety of issues, several of which are being revisited, in order to establish an accurate, comprehensive, reliable record on which to base the Commission's ultimate decisions in this proceeding. The record established from comments filed in response to this decision, as well as other Commission decisions, and the combined efforts of the Commission, the affected industries, the Advisory Committee on Advanced Television Service, and ATV testing process, will lead to implementation of ATV in the most harmonious fashion and to selection of the most desirable ATV system.

##### *III. Legal Basis*

71. Authority for this action may be found at 47 U.S.C. 154 and 303.

##### *IV. Reporting, Recordkeeping and Other Compliance Requirements*

72. Such requirements are not proposed in this phase of the proceeding, but may be raised and comment sought in future decisions in this proceeding.

##### *V. Federal Rules Which Overlap, Duplicate or Conflict With These Rules*

73. There are no rules which would overlap, duplicate, or conflict with these rules.

##### *VI. Description, Potential Impact and Number of Small Entities Involved*

74. There are approximately 1,539 UHF and VHF, commercial and educational television stations, 2,509 UHF translator stations, 2,261 VHF translator stations, and 1,648 UHF and VHF low power television stations which would be affected by decisions reached in this proceeding. The impact of actions taken in this proceeding on small entities would ultimately depend

on the final decisions taken by the Commission. However, the Commission, in taking future action will continue to balance the need to provide the public with affordable, flexible, accessible high definition television service with the economic and administrative interests of the affected industries.

*VII. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives.*

75. In re-examining issues discussed in past decisions, the Commission is seeking not only to establish a more comprehensive, reliable record, but, with that intent, is soliciting comments and suggestions that hopefully will represent the views of all of the industries concerned, and thus the commission will be better able to minimize whatever negative impact might face small entities as a result of our decisions.

76. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq* (1981).

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

[FR Doc. 95-20243 Filed 8-14-95; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AB75 and 1018-AC09**

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Rules To List the Copperbelly Water Snake and Lake Erie Water Snake as Threatened**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) is reopening the comment period on the proposals to list the copperbelly water snake (*Nerodia erythrogaster neglecta*) and the Lake Erie water snake (*Nerodia sipedon insularum*) as threatened species. The copperbelly water snake occupies portions of southern Michigan, northwestern Ohio and adjacent northeastern Indiana, southern Indiana, southeastern Illinois, and western Kentucky. The Lake Erie water snake is found only on the Ohio and Ontario islands of western Lake Erie and the adjacent mainland of Ohio.

**DATES:** The comment period on the two proposals is reopened, effective immediately, and will close on September 30, 1995.

**ADDRESSES:** Comments and materials concerning these proposals should be sent to the Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111-4056. Comments and materials received will be available for public inspection, by appointment, during normal business hours at that location (612/725-3536; fax 612/725-3526).

**FOR FURTHER INFORMATION CONTACT:** Robert Adair, Chief, Division of Endangered Species, at the above address and phone number.

**SUPPLEMENTARY INFORMATION:**

**Background**

The copperbelly water snake occurs in two disjunct populations: (1) a southern population in the lower Ohio River Valley and the lower Wabash River Valley in southern Indiana, adjacent Illinois, and western Kentucky; and (2) a northern population in southern Michigan, northeastern Indiana, and northwestern Ohio. The Lake Erie water snake is found only on the islands of western Lake Erie and the nearby mainland of Ohio. Both species

are threatened by habitat destruction and direct persecution by humans.

These two snakes were proposed for Federal listing as threatened species on August 18, 1993 (58 FR 43857 and 43860). Public hearings were subsequently held in Port Clinton and Put-in-Bay, Ohio, for the Lake Erie water snake; and in Indianapolis, Indiana, for the copperbelly water snake. Public comment periods were reopened and extended to accommodate these hearings (October 12-November 16, 1993, 58 FR 52740; March 22-April 21, 1994, 59 CFR 13472; May 13-June 16, 1994, 59 CFR 25024). The comment period for the copperbelly water snake was subsequently reopened two additional times to allow the Service to obtain, and for the public to review, additional data concerning intergradation of *N. e. neglecta* with *N. e. flavigaster* and the status of the species in Kentucky (July 11-November 1, 1994, 59 CFR 35307; December 15, 1994-January 13, 1995, 59 CFR 64647).

On April 10, 1995, Public Law 104-6, the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat 73), was signed and became effective. Language in that act established a moratorium on the final determinations of species to be threatened or endangered and on the designation of new critical habitat. During this period the Service is prohibited from finalizing rules which list additional species as threatened or endangered. This moratorium is in effect until September 30, 1995.

While the moratorium is in effect the Service will continue to monitor these proposed species, their habitats, and threats to their continued existence. The Service will also continue to discuss the conservation needs of the species and the appropriateness of listing them as threatened or endangered. If opportunities arise, the Service will promote and implement conservation actions for the species.

In order to promote the necessary free and open exchange of information and continued discussions with interested parties, the Service is reopening the comment periods on the proposed listings of the Lake Erie water snake and the copperbelly water snake until September 30, 1995. If the listing moratorium is extended or shortened the Service will modify, by **Federal Register** notice, the closing date of these comment periods, as appropriate.

The Service recognizes that there are no explicit provisions in the Endangered Species Act for this additional evaluation and clarification

process. We take very seriously our role in evaluating species for listing and our statutory duty to consider the best available scientific and commercial data. We believe that this additional open comment period will allow a full and fair hearing of all information presented concerning these two snakes.

#### **Public Comments Solicited**

The Service intends that any final actions resulting from the two August 18, 1993, proposals will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning these proposed rules

continue to be solicited by the Service. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species;

(2) The location of any additional populations of these species and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of the two species;

(4) Current or planned activities in the subject areas and their possible impacts on these species.

Any final promulgation of the regulations on these species will take

into consideration the comments and any additional information received by the Service; such communications may lead to final regulations that differ from the proposals of August 18, 1993.

#### **Author**

This notice was prepared by Ronald L. Refsnider (see **ADDRESSES** section).

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et. seq.*).

Dated: July 6, 1995.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 95-20109 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-55-P**



# Notices

Federal Register

Vol. 60, No. 157

Tuesday, August 15, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Determination of Total Amounts and Quota Period for Tariff-Rate Quotas for Raw Cane Sugar and Certain Imported Sugars, Syrups, and Molasses

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice establishes the aggregate quantity of 1,117,195 metric tons, raw value, of raw cane sugar that may be entered under subheading 1701.11.10 during fiscal year 1996 (FY 96). This notice in addition establishes the aggregate quantity of 22,000 metric tons (raw value basis) for certain sugars, syrups and molasses that may be entered under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the Harmonized Tariff Schedule of the United States (HTS) during FY 96.

**EFFECTIVE DATE:** August 15, 1995.

**ADDRESSES:** Inquiries may be mailed or delivered to the Sugar Team Leader, Import Policy and Programs Division, Foreign Agricultural Service, Room 5531, South Building, U.S. Department of Agriculture, Washington, DC 20250-1000.

**FOR FURTHER INFORMATION CONTACT:** Stephen Hammond (Sugar Team Leader, Import Policy and Programs Division), 202-720-1061.

**SUPPLEMENTARY INFORMATION:** Paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS provides in pertinent part as follows:

\* \* \* the aggregate quantity of raw cane sugar entered, or withdrawn from warehouse for consumption, under subheading 1701.11.10, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than, 1,117,195 metric tons, as shall be established by the Secretary of Agriculture \* \* \*, and the aggregate quantity of sugars, syrups and molasses entered, or withdrawn from

warehouse for consumption, under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10 and 2106.90.44, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), less than 22,000 metric tons, as shall be established by the Secretary. With either the aggregate quantity for raw cane sugar or the aggregate quantity for syrups, sugars and molasses other than raw cane sugar, the Secretary may reserve a quota quantity for the importation of specialty sugars as defined by the United States Trade Representative.

These provisions of paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS authorize the Secretary of Agriculture to establish the total amounts (expressed in terms of raw value) for imports of raw cane sugar and certain other sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties of the tariff-rate quotas for entry during the fiscal year beginning October 1.

Allocations of the quota amounts among supplying countries and areas will be made by the United States Trade Representative.

#### Notice

Notice is hereby given that I have determined, in accordance with paragraph (a) of additional U.S. note 5 to chapter 17 of the HTS, that an aggregate quantity of up to 1,117,195 metric tons, raw value, of raw cane sugar described in subheading 1701.11.10 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 1995 through September 30, 1996. I have further determined that an aggregate quantity of up to 22,000 metric tons, raw value, of certain sugars, syrups, and molasses described in subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 1995 through September 30, 1996. I have further determined that out of the latter quantity of 22,000 metric tons for certain sugars, syrups, and molasses described in subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS, the quantity of 1,656 metric tons, raw value, is reserved for the importation of specialty sugars. These quota amounts will be allocated among supplying

countries and areas by the United States Trade Representative.

Signed at Washington, D.C., on August 3, 1995.

**Dan Glickman,**

*Secretary of Agriculture.*

[FR Doc. 95-20045 Filed 8-14-95; 8:45 am]

**BILLING CODE 3410-10-P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Maryland Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 5:00 p.m. on Thursday, September 7, 1995, at the Omni Hotel, 101 W. Fayette Street, Baltimore, Maryland 21201. The purpose of the meeting is: (1) To decide on activity for FY 1996, and (2) gather information from governmental agencies and civil rights organizations on status of civil rights in Maryland.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Dr. Chester Wickwire, 301-516-6320, or Edward Darden, Acting Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 4, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95-20056 Filed 8-14-95; 8:45 am]

**BILLING CODE 6335-01-P**

### Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the

Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Thursday, September 14, 1995, at the Somerset Marriott, 110 Davidson Street, Somerset, New Jersey 08873. The purpose of the meeting is to plan a project activity for fiscal year 1996, to followup to the Committee's report, *The Use and Abuse of Police Powers: Law Enforcement Practices and the Minority Community in New Jersey*.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Dr. Irene Hill-Smith, 609-468-5546, or Edward Darden, Acting Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 4, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*  
[FR Doc. 95-20057 Filed 8-14-95; 8:45 am]

BILLING CODE 6335-01-P

### **Agenda and Notice of Public Meeting of the New Hampshire Advisory Committee**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 12:30 p.m. on Wednesday, September 6, 1995, at the Sheraton Wayfarer Inn, Board Room, 121 S. River Road, Bedford, New Hampshire 03110. The purpose of the meeting is to decide on adoption of a report, "Racial Tensions in New Hampshire: Their Effects on Education and Law Enforcement," and develop planning for upcoming activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Chairperson Sylvia Chaplain, 617-227-5662, or Edward Darden, Acting Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 3, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*  
[FR Doc. 95-20058 Filed 8-14-95; 8:45 am]  
BILLING CODE 6335-01-P

## **DEPARTMENT OF COMMERCE**

### **Bureau of Export Administration**

#### **Action Affecting Export Privileges; New York & Southern Lumber Corp.; Order Denying Permission To Apply For or Use Export Licenses**

In the matter of: New York & Southern Lumber Corporation, 6 West Park Place, Great Neck, New York 11023.

On June 15, 1995, New York & Southern Lumber Corporation was convicted in the United States District Court for the Western District of Louisiana of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)) (IEEPA). Specifically, New York & Southern Lumber Corporation was convicted on one count of willfully selling and causing to be exported from Louisiana to Italy, for transshipment to Libya, approximately 7670.46 cubic board meters of southern yellow pine lumber, in violation of the President's embargo on the exportation of all goods to that country.

Section 11(h) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act),<sup>1</sup> provides that, at the discretion of the Secretary of Commerce,<sup>2</sup> no person convicted of violating the IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR Parts 768-799 (1995)) (the Regulations) for a period of

<sup>1</sup> The Act expired on August 20, 1994. Executive Order 12924 (59 Fed. Reg. 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

<sup>2</sup> Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Section 11(h) of the Act. Because of a recent Bureau of Export Administration reorganization, this responsibility now rests with the Director, Office of Exporter Services. Subsequent regulatory references herein to the "Director, Office of Export Licensing," should be read as meaning "Director, Office of Exporter Services."

up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating the IEEPA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any export license previously issued to such a person.

Having received notice of New York & Southern Lumber Corporation's conviction for violating the IEEPA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny New York & Southern Lumber Corporation permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the Act and the Regulations, for a period of 10 years from the date of its conviction. The 10-year period ends on June 15, 2005. I have also decided that this denial period be suspended for the entire 10-year period and thereafter waived, provided that, during the period of suspension, New York & Southern Lumber Corporation has committed no violations of the Act or any regulation, order, or license issued under the Act.

Accordingly, it is hereby Ordered:

I. Until June 15, 2005, New York & Southern Lumber Corporation, 6 West Park Place, Great Neck, New York 11023, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the department or using any validated or general export license, reexport authorization or other export

control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States, and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

II. After notice and opportunity for comment as provided in Section 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to New York & Southern Lumber Corporation by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

III. As provided in Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

IV. The 10-year denial period is suspended until June 15, 2005 and shall thereafter be waived, provided that New York & Southern Lumber Corporation, during the period of suspension, has committed no violations of the Act or any regulation, license, or order issued under the Act.

V. This Order is effective immediately.

VI. A copy of this Order shall be delivered to New York & Southern Lumber Corporation.

Dated: July 26, 1995.

**Eileen M. Albanese,**

*Acting Director, Office of Exporter Services.*

[FR Doc. 95-20080 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-DT-M

## **National Institute of Standards and Technology**

[Docket No. 950628170-5170-01]

RIN 0693-AB23

### **Approval of Federal Information Processing Standards Publication 195, Federal Building Grounding and Bonding Requirements for Telecommunications**

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce that the Secretary of Commerce has approved a new standard, which will be published as FIPS Publication 195, Federal Building Grounding and Bonding Requirements for Telecommunications.

On December 6, 1994, notice was published in the **Federal Register** (59 FR 62712-62714) that a Federal Information processing Standard (FIPS) for Federal Building Grounding and Bonding Requirements for Telecommunications was being proposed for Federal use.

NIST reviewed written comments submitted by interested parties and other available material. On the basis of this review, NIST recommended that the Secretary approve the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC 20230.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

**EFFECTIVE DATE:** This standard becomes effective February 12, 1996.

**ADDRESSES:** Interested parties may purchase copies of this standard, including the technical specifications section, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Glenn Hanson, Institute for Telecommunications Sciences, National Telecommunications and Information Administration, 325 Broadway, Boulder, CO 80303-3328, telephone 303-497-5449; FAX 303-497-6982.

Dated: August 8, 1995.

**Samuel Kramer,**

*Associate Director.*

### **Proposed Federal Information Processing Standards Publication 195 (date) Announcing the Standard for Federal Building Grounding and Bonding Requirements for Telecommunications**

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

#### *1. Name of Standard*

Federal Building Grounding and Bonding Requirements for Telecommunications. (Former Draft Federal Standard 1093).

#### *2. Category of Standard*

Telecommunications Standard; Grounding and Bonding.

#### *3. Explanation*

This standard, by adoption of ANSI/TIA/EIA-607-1994, Commercial Building Grounding and Bonding Requirements for Telecommunications, specifies the requirements for a uniform telecommunications grounding and bonding infrastructure for Federal buildings where telecommunications equipment is installed. The standard provides the requirements for a ground reference for telecommunications systems within the telecommunications entrance facility, the telecommunications closet, and equipment room; it also provides the requirements for bonding and connecting pathways, cable shields, conductors, and hardware at

telecommunications closets, equipment rooms, and entrance facilities.

This standard supports the telecommunications infrastructure which encompasses telecommunications equipment spaces, cable pathways, grounding, wiring, termination hardware, and other devices, and which provides the basic support for the distribution of all forms of information within a building or campus.

The grounding and bonding approach described in this standard is consistent with the cabling topology specified in Federal Information Processing Standards Publication (FIPS PUB) 174, Federal Building Telecommunications Wiring Standard (ANSI/EIA/TIA-568-1991) and installed in accordance with Federal Information Processing Standards Publication (FIPS PUB) 175, Federal Building Standard for Telecommunications Pathways and Spaces (ANSI/EIA/TIA 569-1990).

#### 4. Approving Authority

Secretary of Commerce.

#### 5. Maintenance Agency

National Communications System, Office of Technology and Standards.

#### 6. Related Documents

a. Federal Information Resources Management Regulations subpart 201-20.303, Standards, and subpart 201-39.1002, Federal Standards.

b. Federal Standard 1037B, Glossary of Telecommunications Terms.

c. Federal Information Processing Standards Publication (FIPS PUB) 174, Federal Building Telecommunications Wiring Standard.

d. Federal Information Processing Standards Publication (FIPS PUB) 175, Federal Building Standard for Telecommunications Pathways and Spaces.

e. Federal Information Processing Standards Publication (FIPS PUB) 176, Residential and Light Commercial Telecommunications Wiring Standard.

f. Federal Information Processing Standards Publication (FIPS PUB) 187, Administrative Standard for the Telecommunications Infrastructure of Federal Buildings.

At the time of publication of this standard, the editions indicated above were valid. All publications are subject to revision, and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of these publications.

#### 7. Objectives

The purpose of this standard is to facilitate the planning, design, and

installation of telecommunications grounding systems within a Federal government building with or without prior knowledge of the telecommunications systems that will subsequently be installed. This telecommunications grounding and bonding infrastructure supports a multivendor, multiproduct environment as well as the grounding practices for various systems that may be installed on customer premises.

This standard should be useful to anyone engaged in the design, maintenance, renovation, or retrofit of new or existing buildings. This standard will also be useful to manufacturers of telecommunications equipment and to those responsible for purchasing, installing, or operating such equipment and devices.

#### 8. Applicability

This standard shall be used by all departments and agencies of the Federal Government in the planning, design, and installation of telecommunications grounding systems in new Federal buildings. Use of this standard is recommended in the maintenance, renovation, or retrofit of telecommunications grounding systems in existing Federal buildings. Existing building wiring systems, especially those installed prior to the emergence of digital communications and voice/data integration, may not readily accept application of this standard. Modernization of the existing pathway, space, and wiring systems to meet the FIPS 174, FIPS 175, FIPS 176, and FIPS 187 infrastructure standards may require a significant monetary expenditure. Agencies should conduct a thorough facility analysis of existing and renovated building to determine the cost of applying the standards, and develop a migration plan where cost savings can be achieved. This plan will help to ensure timely and efficient completion of the conversion process. The result of following this standard will be a telecommunications infrastructure that supports advanced technology and is compatible with modern telecommunications equipment. This standard is not intended to hasten the obsolescence of telecommunications grounding systems currently in use in Federal facilities; nor is it intended to provide systems engineering or applications guidelines.

#### 9. Specifications

This FIPS adopts ANSI/TIA/EIA-607-1994, Commercial Building Grounding and Bonding Requirements for Telecommunications, The American National Standard specifies the

requirements for a uniform telecommunications grounding and bonding infrastructure for a building where telecommunications equipment is to be installed. Areas of the infrastructure include:

(a) A ground reference for telecommunications systems within the telecommunications entrance facility, the telecommunications closet, and equipment room.

b. Bonding and connecting pathways, cable shields, conductors and hardware at telecommunications closets, equipment rooms, and entrance facilities.

c. Interconnectivity to other building grounding systems.

#### 10. Implementation

The use of this standard by Federal departments and agencies is compulsory and binding for the planning, design, and installation of telecommunications grounding systems within new Federal buildings, effective February 12, 1996.

Use of the standard is recommended in the maintenance, renovation, or retrofit of the telecommunications grounding systems within existing buildings.

#### 11. Waivers

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to Section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, Room B-154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register**.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition, or if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

#### 12. Where to Obtain Copies

Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the Electronic Industries Association.) When ordering, refer to Federal Information Processing Standards Publication 195 (FIPSPUB195), and the title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 95-20171 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-CN-M

### National Oceanic and Atmospheric Administration

[Docket No. 950728196-5196-01]

#### Use of the "NAD 83/GWS 84" Datum Tag on Mapping Products

**AGENCY:** Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Office of National Geodetic Survey, redefined and readjusted the North American Datum of 1927 (NAD 27), creating the North American Datum of 1983 (NAD 83). The World Geodetic System of 1984 (WGS 84) was defined by the Defense Mapping Agency (DMA). The interagency Federal Geodetic Control Subcommittee (FGCS)

at its meeting on December 7, 1994, recommended that "All maps and charts produced for North America, at scales of 1:5,000 or smaller, that are based on either the North American Datum of 1983 (NAD 83) or the World Geodetic System of 1984 (WGS 84), should have the horizontal datum labeled as NAD 83/WGS 84".

**SUPPLEMENTARY INFORMATION:** The following supplementary information was reviewed by FGCS membership. A **Federal Register** notice published on June 29, 1979 (44 FR 37969), by the National Oceanic and Atmospheric Administration (NOAA) provided notification of the establishment of a new Datum (NAD 83) to which the geographic and plane coordinate values for the National Network of Horizontal Geodetic Control would be referenced. A **Federal Register** notice published on June 14, 1989 (54 FR 25318), by NOAA affirmed NAD 83 as the official horizontal datum for all future U.S. surveying and mapping activities performed or financed by the Federal Government. Furthermore, this notice said that to the extent practicable and feasible, all Federal agencies using coordinate information should provide for an orderly transition to NAD 83.

Both NAD 83 and WGS 84 were originally defined (in words) to be geocentric and oriented as the Bureau International de l'Heure (BIH) Terrestrial System. In principle, the three-dimensional coordinates of a single physical point should therefore be the same in both NAD 83 and WGS 84 systems; in practice, small differences are sometimes found. The original intent was that both systems would use the Geodetic Reference System of 1980 (GRS 80) as a reference ellipsoid. As it happened, the WGS 84 ellipsoid differs very slightly from GRS 80. The difference is 0.0001 meters in the semi-minor axis.

Effective January 2, 1994, the WGS 84 reference system was realigned to be compatible with the International Earth Rotation Service's Terrestrial Reference Frame (ITRF).

**FOR FURTHER INFORMATION CONTACT:** Mr. James E. Stem, N/CG11, SSMC3 Station 9357, National Geodetic Survey, NOAA, Silver Spring, Maryland 20910; telephone: (301) 713-3231, FAX: (301) 713-4176, Internet: jstem@ngs.noaa.gov.

Dated: July 5, 1995.

**W. Stanley Wilson,**

Assistant Administrator, NOS.

[FR Doc. 95-19408 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-08-M

[I.D. 080495A]

### Marine Mammals; Pinniped Removal Authority

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** NMFS announces a public meeting of the Pinniped-Fishery Interaction Task Force (Task Force) on the sea lion/steelhead conflict at the Ballard Locks, Seattle, WA. The Task Force is meeting to review the available information from the 1994-95 wild winter steelhead run and to evaluate the effectiveness of both the authorized intentional lethal taking of individually identified pinnipeds and the alternative actions that were implemented. Following their evaluation, the Task Force may recommend additional actions which they believe to be necessary for the elimination of the problem interaction.

**DATES:** The public meeting of the Task Force is scheduled for September 6-8, 1995, at 9:00 a.m.

**ADDRESSES:** The Task Force meeting will be held in Building 9, NOAA's Western Regional Center, 7600 Sand Point Way NE., Seattle, WA.

**FOR FURTHER INFORMATION CONTACT:** Joe Scordino, Northwest Region, NMFS, 206-526-6150.

**SUPPLEMENTARY INFORMATION:** NMFS received an application from the State of Washington on July 12, 1994, to consider the lethal removal of California sea lions that are depredating a wild run of winter steelhead as they migrate through the Ballard Locks. Notice of receipt and acceptance of the State's application, along with an explanation of the process set forth in section 120 of the MMPA, was published in the **Federal Register** on August 2, 1994 (59 FR 39325), with a request for public comments. On September 27, 1994, a notice announcing the establishment of the Pinniped-Fishery Interaction Task Force and its first public meeting was published in the **Federal Register** (59 FR 49234). Subsequent meetings were announced through NOAA Press Releases and reported in the local media. The 21-member Task Force, consisting of scientists; representatives of affected conservation and fishing community organizations; and representatives of Washington Department of Fish and Wildlife, Treaty Tribes, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NMFS, held a series of meetings to review and discuss the comments received from the

public during the comment period and all other available information on the sea lion/steelhead conflict. Following the meetings, the Task Force submitted a report giving their recommendations and minority views regarding the State's application.

The Task Force's primary recommendation was to make all practicable attempts to remove all identified predatory sea lions and temporarily hold them in captivity for the duration of the steelhead run. Regarding lethal removal, the Task Force recommended that approval of lethal removal of individually identifiable predatory California sea lions be allowed only under specific conditions. These conditions are explained in detail in the Environmental Assessment On Protecting Winter-run Wild Steelhead From Predation By California Sea Lions In The Lake Washington Ship Canal, Seattle, Washington, January 1995. In brief, the conditions include the use of non-lethal deterrence measures such as an acoustic barrier; all practicable attempts to capture identified predatory sea lions and place them in captivity during the steelhead run; threshold limits on levels of predation which must be exceeded before lethal removal measures may be implemented; the formation of an Animal Care Committee (ACC) to review and recommend protocols for captive maintenance, medical procedures and euthanasia; stipulations that any lethal removals must be done in a humane manner as specified by the ACC; and recommendations for the development of additional information on the construction and operation of Ballard Locks and on use of the facility by the fish.

Following the recommendations of the Task Force, NMFS approved the State's application and specified the terms and conditions for implementation in a Letter of Authorization as published in the **Federal Register** on January 19, 1995 (60 FR 3841). The authorization is valid until June 31, 1997 although it may be modified or revoked by NMFS. To date no California sea lions have been lethally removed by the State under this authorization.

Under 16 U.S.C. 1389(c)(5), the Task Force will now meet to evaluate the effectiveness of alternative actions taken by the State of Washington under the lethal removal authority granted with conditions by NMFS in January 1995. The meeting is open to the public; however, the public will not be allowed to discuss or debate the issues with

members of the Task Force at the meetings.

Dated: August 9, 1995.

**Patricia Montanio,**

*Acting Deputy Director, Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 95-20175 Filed 8-14-95; 8:45 am]

**BILLING CODE 3510-22-F**

**[I.D. 080895B]**

### **Endangered Species; Permits**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of emergency permit 972 (P503R) and emergency permit 973 (P211I).

**SUMMARY:** Notice is hereby given that NMFS has issued two emergency permits authorizing takes of listed species for the purpose of scientific research and enhancement, subject to certain conditions set forth therein, to the Idaho Department of Fish and Game (IDFG) and the Oregon Department of Fish and Wildlife (ODFW).

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, F/NWO3, NMFS, 525 NE Oregon Street, Portland, OR 97232-4169 (503-230-5400).

#### **SUPPLEMENTARY INFORMATION:**

Emergency permits 972 and 973 were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

On June 13, 1995 and June 19, 1995, NMFS received emergency direct take permit applications from IDFG and ODFW, respectively. Each applicant proposed to initiate experimental captive broodstock programs for three populations (total of six populations) of listed Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*). IDFG proposed to collect juveniles from the upper Salmon River (Idaho) tributaries of West Fork Yankee Fork, upper East Fork, and Lemhi River beginning in August 1995. ODFW proposed to collect juveniles from the Lostine River, Catherine Creek, and upper Grande Ronde River (all located in the Grande Ronde River Basin of

northeast Oregon) beginning in August 1995. These six populations have been determined to be extremely close to becoming extinct. Both applicants requested 5-year permits for authorization to collect no more than 25 percent of the juveniles from these populations annually and rear them in hatcheries to maturity for propagation.

The applicants stated that these emergency experimental and enhancement measures are required to forestall the extinction of the local populations and to preserve the overall stock structure of Snake River spring/summer chinook salmon. The long-term objective of the programs is to achieve the sustainable recovery of the Snake River salmon populations.

The urgency of the permit requests is based on the limited time remaining in which to successfully intervene and collect genetically representative samples of the record low 1994 spring/summer chinook salmon broodyear from the populations. Delaying juvenile collections would likely result in less genetically diverse samples as up to 60 percent of the populations may migrate downstream in the fall to overwinter in mainstem rivers where individual population groups are indistinguishable. Acquiring and maintaining genetic diversity in hatchery-reared population segments is necessary to minimize adverse breeding alterations and to preserve the wild attributes of the fish.

On August 7, 1995, NMFS issued emergency permits 972 and 973 to IDFG and ODFW, respectively. The permits were written to authorize the collection of listed juveniles in 1995 only, and to allow the hatchery rearing of those fish to adults. The collection of listed juveniles in subsequent years is contingent on the submission of additional permit requests, to be presented to NMFS after the development of long-term management plans for the two programs. The development of long-term management plans will be accomplished by a technical oversight committee made up of representatives from NMFS, the U.S. Fish and Wildlife Service, the State agencies, and the appropriate Tribes. Any additional permits issued for the captive broodstock programs would supersede the emergency permits. Permits 972 and 973 expire on September 30, 1998, when the fish collected in 1995 will be mature.

Issuance of these permits, as required by the ESA, was based on the finding that such permits: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the permits, and (3) are consistent with the purposes and

policies set forth in section 2 of the ESA and the NMFS regulations governing listed species permits.

Dated: August 9, 1995.

**Russell J. Bellmer,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95-20176 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-22-F

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

August 9, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** August 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6714. For information on embargoes and quota re-openings, call (202) 482-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, special shift and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 9014, published on February 16, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the

implementation of certain of their provisions.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

### Committee for the Implementation of Textile Agreements

August 9, 1995.

*Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 13, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period beginning on January 1, 1995 and extending through December 31, 1995.

Effective on August 16, 1995, you are directed to adjust the limits for the following categories, pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

| Category                       | Adjusted twelve-month limit <sup>1</sup>                                                                             |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 237 .....                      | 166,573 dozen.                                                                                                       |
| 239 .....                      | 1,043,292 kilograms.                                                                                                 |
| 315 .....                      | 68,937,690 square meters.                                                                                            |
| 317/617 .....                  | 22,289,745 square meters.                                                                                            |
| 331/631 .....                  | 2,217,445 dozen pairs.                                                                                               |
| 334/634 .....                  | 232,140 dozen.                                                                                                       |
| 335/635 .....                  | 315,483 dozen.                                                                                                       |
| 336/636 .....                  | 397,355 dozen.                                                                                                       |
| 338 .....                      | 5,020,012 dozen.                                                                                                     |
| 339 .....                      | 1,125,569 dozen.                                                                                                     |
| 340/640 .....                  | 529,806 dozen of which not more than 185,680 dozen shall be in dress shirts in Categories 340-D/640-D <sup>2</sup> . |
| 347/348 .....                  | 781,754 dozen.                                                                                                       |
| 352/652 .....                  | 662,258 dozen.                                                                                                       |
| 359-C/659-C <sup>3</sup> ..... | 562,594 kilograms.                                                                                                   |
| 363 .....                      | 40,619,515 numbers.                                                                                                  |
| 369-F/369-P <sup>4</sup> ..... | 1,986,775 kilograms.                                                                                                 |
| 369-R <sup>5</sup> .....       | 9,271,615 kilograms.                                                                                                 |
| 613/614 .....                  | 11,872,889 square meters.                                                                                            |
| 638/639 .....                  | 196,829 dozen.                                                                                                       |
| 647/648 .....                  | 538,508 dozen.                                                                                                       |

<sup>1</sup>The limits have not been adjusted to account for any imports exported after December 31, 1994.

<sup>2</sup>Category 340-D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640-D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

<sup>3</sup>Category 359-C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010; Category 369-P: only HTS numbers 6302.60.0010 and 6302.91.0005.

<sup>4</sup>Category 369-F: only HTS number 6302.91.0045;

<sup>5</sup>Category 369-R: only HTS number 6307.10.2020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 95-20092 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-DR-F

### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

August 9, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** August 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and carryforward and recrediting carryforward not used.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see

**Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 5371, published on January 27, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

#### **Committee for the Implementation of Textile Agreements**

August 9, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 24, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on August 11, 1995, you are directed to amend the January 24, 1995 directive to adjust the limits for the following categories, as provided under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

| Category                 | Adjusted twelve-month limit <sup>1</sup> |
|--------------------------|------------------------------------------|
| 331 .....                | 954,937 dozen pairs.                     |
| 335 .....                | 151,933 dozen.                           |
| 338/339 .....            | 1,202,962 dozen.                         |
| 340/640 .....            | 2,200,785 dozen.                         |
| 341 .....                | 1,823,150 dozen.                         |
| 342/642 .....            | 296,787 dozen.                           |
| 347/348 .....            | 1,717,308 dozen.                         |
| 363 .....                | 18,673,393 numbers.                      |
| 369-S <sup>2</sup> ..... | 1,308,513 kilograms.                     |
| 638/639 .....            | 1,141,600 dozen.                         |
| 641 .....                | 673,081 dozen.                           |
| 645/646 .....            | 237,771 dozen.                           |

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1994.

<sup>2</sup> Category 369-S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

**Sincerely,**

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc.95-20095 Filed 8-14-95; 8:45 am]

**BILLING CODE 3510-DR-F**

#### **Amendment of Export Visa Requirements for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the Philippines**

August 9, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs amending visa requirements.

**EFFECTIVE DATE:** September 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### **SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Effective on September 1, 1995, for goods produced or manufactured in the Philippines and exported from the Philippines on and after September 1, 1995, merged and part-category visas will no longer be required for 359-S, 659-S, 359-S/659-S, 669-P and 669-O. Shipments in part-categories 359-S and 659-S will require a 359-O and 659-O visa, respectively. Shipments in part-categories 669-P and 669-O will require a 669 visa. During the period September 1, 1995 through September 30, 1995, U.S. Customs will accept either the new or the old visa. Goods exported on and after October 1, 1995 shall be denied entry if not visaed as 359-O, 659-O and 669. Merchandise in Categories 359-O and 659-O may be visaed as merged Categories 359-O/659-O or the correct part category corresponding to the actual shipment.

A complete list of part and merged categories is included in the following letter to the Commissioner of Customs.

See 52 FR 11308, published on April 8, 1987.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

#### **Committee for the Implementation of Textile Agreements**

August 9, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on April 3, 1987, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directs you to prohibit entry of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines which were not properly visaed by the Government of the Philippines.

Effective on September 1, 1995, for goods produced or manufactured in the Philippines and exported from the Philippines on and after September 1, 1995, merged and part-category visas will no longer be required for 359-S, 659-S, 359-S/659-S, 669-P and 669-O. Shipments in part-categories 359-S and 659-S will require a 359-O and 659-O visa, respectively. Shipments in part-categories 669-P and 669-O will require a 669 visa. During the period September 1, 1995 through September 30, 1995, you are directed to accept either the new or the old visa. Goods exported on and after October 1, 1995 shall be denied entry if not visaed as 359-O, 659-O and 669. Merchandise in Categories 359-O and 659-O may be visaed as merged Categories 359-O/659-O or the correct part category corresponding to the actual shipment.

Following is a complete list of part and merged categories for goods exported from the Philippines:

#### **Part-Category**

|                                                       |               |               |
|-------------------------------------------------------|---------------|---------------|
| 359-C—HTS                                             | numbers       | 6103.42.2025, |
|                                                       |               | 6103.49.8034, |
|                                                       |               | 6104.62.1020, |
|                                                       |               | 6104.69.8010, |
|                                                       |               | 6114.20.0048, |
|                                                       |               | 6114.20.0052, |
|                                                       |               | 6203.42.2010, |
|                                                       |               | 6203.42.2090, |
|                                                       |               | 6204.62.2010, |
|                                                       |               | 6211.32.0010, |
|                                                       | 6211.32.0025  | and           |
|                                                       | 6211.42.0010. |               |
| 359-O—All HTS numbers except those in Category 359-C. |               |               |
| 369-S—Only HTS number 6307.10.2005.                   |               |               |
| 369-O—All HTS numbers except those in Category 369-S. |               |               |



659-C—Only HTS numbers 6103.23.0055,  
6103.43.2020, 6103.43.2025,  
6103.49.2000, 6103.49.8038,  
6104.63.1020, 6104.63.1030,  
6104.69.1000, 6104.69.8014,  
6114.30.3044, 6114.30.3054,  
6203.43.2010, 6203.43.2090,  
6203.49.1010, 6203.49.1090,  
6204.63.1510, 6204.69.1010,  
6210.10.9010, 6211.33.0010,  
6211.33.0017 and 6211.43.0010.  
659-H—Only HTS numbers 6502.00.9030,  
6504.00.9015, 6504.00.9060,  
6505.90.5090, 6505.90.6090,  
6505.90.7090 and 6505.90.8090.  
659-O—All HTS numbers except those in  
Categories 659-C and 659-H.  
670-L—Only HTS numbers 4202.12.8030,  
4202.12.8070, 4202.92.3020,  
4202.92.3030 and 4202.92.9025.  
670-O—All HTS numbers except those in  
Category 670-L.

#### Merged Category

331/631  
333/334  
338/339  
340/640  
341/641  
342/642  
347/348  
351/651  
352/652  
359-C/659-C  
359-O/659-O  
445/446  
638/639  
645/646  
647/648

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

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,

Rita D. Hayes,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 95-20094 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-DR-F

#### Temporary Exemption of "Fashion Samples" From Visa and Quota Requirements

August 9, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs exempting "fashion samples" from visa and quota requirements for a three-month trial period.

**EFFECTIVE DATE:** September 1, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Brian Fennessy, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Effective on September 1, 1995, textile and apparel articles described as "fashion samples" which are produced or manufactured in various countries and entered into the United States for consumption shall be exempt from visa and quota requirements for a three-month trial period, beginning on September 1, 1995 and extending through November 30, 1995.

The term "fashion samples" is limited to wearing apparel and other textile articles purchased at retail and not imported in multiple units, i.e., no more than a single article in a particular style and/or color. These shipments must not be greater than twenty-four (24) pieces and must accompany a returning buyer. Mail and cargo shipments would not be eligible for treatment as "fashion samples."

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

August 9, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, all import control directives issued to you by the Chairman, Committee for the Implementation of Textile Agreements. This directive also amends, but does not cancel, all visa requirements for all countries for which visa arrangements are in place with the United States.

Effective on September 1, 1995, for a three-month trial period, you are directed to no longer require a visa for textile and apparel articles described as "fashion samples" which are produced or manufactured in various countries and entered into the United States for consumption during the period beginning on September 1, 1995 and extending through November 30, 1995. Also for the period September 1, 1995 through November 30, 1995, these textile and apparel articles shall not be subject to existing quota.

These textile and apparel items, frequently called buyers "fashion samples" are limited to textile and apparel items purchased at retail. The "fashion samples" must accompany a buyer returning to the United States, must not be more than a single article in a particular style or color and must not exceed more than 24 pieces total. Mail and

cargo shipments would not be eligible for treatment as "fashion samples."

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 95-20093 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-DR-F

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Performance Review Boards; List of Members

Below is a list of additional individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

#### *Air Force Materiel Command*

Mr. Blaise J. Durante

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 95-20082 Filed 8-14-95; 8:45 am]

BILLING CODE 3910-01-M

### Department of the Army

#### Meeting of the Industry/Government Working Group for Performance Criteria of Military Clothing and Equipment

**AGENCY:** U.S. Army Soldier Systems Command, DOD.

**ACTION:** Meeting announcement.

**SUMMARY:** The Industry/Government Working Group for Performance Criteria of Military Clothing and Equipment will meet on Tuesday, 29 August 1995 at the Soldier Systems Command, Natick Research, Development and Engineering Center, Natick, MA. The meeting will be devoted to Comfort, Durability, and Protection Performance Criteria subgroup activities.

The purpose of the Industry/Government Working Group is to identify performance criteria and test methodology that will be used to measure comfort, durability, and protection performance of military clothing and individual equipment. The U.S. Army is interested in consumer and market research data in the areas of comfort, durability, and flame resistance of fabrics, clothing and equipment, as well as related test methods, standards, specifications, or handbooks.

**FOR FURTHER INFORMATION CONTACT:**  
Carole A. Faria, Textile Technologist, at  
(508) 651-5460.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 95-20059 Filed 8-14-95; 8:45 am]

BILLING CODE 3710-08-M

## Department of the Navy

### Notice of Availability of the Draft Environmental Impact Statement for the Disposal of Decommissioned, Defueled Cruiser, Ohio Class, and Los Angeles Class Naval Reactor Plants

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*] and in accordance with the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508), the Department of the Navy has prepared and filed with the U.S. Environmental Protection Agency the Draft Environmental Impact Statement for disposal of reactor plants from U.S. Navy cruisers, OHIO Class submarines and LOS ANGELES Class submarines. The Department of Energy is participating as a cooperating agency and may adopt the Environmental Impact Statement, if appropriate, to fulfill its environmental review obligations under NEPA.

The Department of the Navy invites public comments on the Draft Environmental Impact Statement and will hold public hearings on the document.

**DATES:** The public comment period for the Draft Environmental Impact Statement ends on October 10, 1995. Written comments regarding the document should be postmarked by this date to ensure consideration in preparation of the Final Environmental Impact Statement. Comments sent after that date will be considered to the extent practicable. Four public hearings (which will also serve as informational meetings), will be held on the Draft Environmental Impact Statement: September 18 in Bremerton, Washington; September 19 in Portland, Oregon; September 20 in Seattle, Washington; and September 21 in Richland, Washington. Locations for these meetings are identified below.

**ADDRESSES:** Addresses for the public meeting locations are provided below. Written comments on the Draft Environmental Impact Statement, requests for copies of the document, and requests for further information should be directed to Mr. John Gordon (Code 1160), Puget Sound Naval Shipyard,

1400 Farragut Avenue, Bremerton, Washington 98314-5001, telephone (360)476-7111.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Draft EIS

The Draft Environmental Impact Statement analyzes the alternative ways for disposing of decommissioned, defueled, reactor compartments from U.S. Navy nuclear-powered cruisers (BAINBRIDGE, TRUXTON, LONG BEACH, CALIFORNIA Class and VIRGINIA Class) and submarines (LOS ANGELES and OHIO Classes). The total number of reactor compartments in these classes is expected to be approximately 100. A disposal method for the defueled reactor compartment is needed when a nuclear-powered ship no longer has sufficient military value to justify its continued maintenance, or it is no longer needed. For disposal, the ship can be: (1) placed in protective storage for an extended period followed by permanent disposal or recycling; or (2) prepared for permanent disposal or recycling.

The alternatives examined in detail in the Draft Environmental Impact Statement are the preferred alternative—land burial of the entire defueled reactor compartment at the Department of Energy Low-Level Waste Burial Grounds at Hanford, Washington; the no action alternative—protective waterborne storage for an indefinite period; disposal and reuse of subdivided portions of the reactor compartments; and indefinite storage above ground at Hanford.

Several other alternatives are examined in limited detail. These alternatives include sea disposal; land disposal of entire reactor compartments at other sites; and permanent above ground disposal of entire defueled reactor compartments at Hanford.

##### Public Scoping Process

On February 24, 1994 the Department of the Navy published a Notice of Intent (59 FR 8915) to prepare an Environmental Impact Statement for Disposal of Decommissioned, Defueled Cruiser OHIO, and LOS ANGELES Class Naval Reactor Plants. Subsequently, the Navy held five public scoping meetings at the following locations:

Bremerton, Washington, March 10, 1994;  
Richland, Washington, March 11, 1994;  
Olympia, Washington, March 12, 1994;  
Portland, Oregon, March 15, 1994; and  
Portsmouth, Virginia, March 17, 1994.

The Navy received oral and written comments from individuals and organizations during the scoping process. All of those comments were

considered during preparation of the Draft Environmental Impact Statement.

##### Background Information

Navy reactor plants constructed prior to the USS LOS ANGELES (SSN 688) (referred to as pre-LOS ANGELES Class submarines) share many common design characteristics with reactor plants from cruisers, OHIO Class submarines and LOS ANGELES Class submarines. Pre-LOS ANGELES Class submarine reactor compartments are currently being disposed of at the Department of Energy Hanford Site in Eastern Washington by the Puget Sound Naval Shipyard in Bremerton, Washington, consistent with the Secretary of the Navy's 1984 Record of Decision on disposal of decommissioned, defueled Naval submarine reactor plants. This method of disposal is the preferred alternative for disposal of reactor compartments from cruisers, OHIO Class submarines and LOS ANGELES Class submarines because it has minimal environmental impacts and appears to be preferable from an environmental standpoint to other alternatives.

Except for sea disposal, no new legislation or Congressional action would be required to implement any of these alternatives. In all of the alternatives considered in the Draft Environmental Impact Statement there would be no spent nuclear fuel left in the reactor compartments; all the spent nuclear fuel would be removed before disposal. Management of the naval spent nuclear fuel has been addressed in a separate Department of Energy Environmental Impact Statement. Nevertheless, there would be some other radioactive materials left within the reactor compartments, and the Draft Environmental Impact Statement evaluates disposal of these residual materials. Types of U.S. Navy nuclear-powered ships that are not expected to be decommissioned in the next 20 years (e.g., aircraft carriers, SEAWOLF Class submarines) are not included in the Draft Environmental Impact Statement.

##### Availability of the Draft Environmental Impact Statement

The Draft Environmental Impact Statement has been distributed to various federal, state, and local government agencies, tribes, elected officials, and special interest groups. Requests for copies of the Draft Environmental Impact Statement should be directed to the address listed above. In addition, copies of the Draft Environmental Impact Statement and comments received during scoping are

also available for public inspection in the following libraries:

Kitsap County Public Library, Main Branch, 1301 Sylvan Way, Bremerton, Washington, (360)377-7601

Public Reading Room for U.S. Department of Energy, Richland Operations Office, Washington State University, Tri-Cities, 100 Sprout Road, Room 130 West, Richland, Washington, (509)376-8583

Suzallo Library, University of Washington, Seattle, Washington, (206)543-9158

Multnomah County Library, 801 Southwest 10th Avenue, Portland, Oregon, (503)248-5234

### Information Meetings and Public Hearings

The Department of the Navy will hold public hearings to inform the public of the Draft Environmental Impact Statement and to solicit comments. Hearings will be held at the following locations:

September 18, 1995, 7 pm–10 pm  
Bremerton, Washington, Bremerton High School, Performing Arts Center, 1500 13th St.

September 19, 1995, 7 pm–10 pm  
Portland, Oregon, Red Lion Inn, Jantzen Beach, 909 N. Hayden Island Dr.

September 20, 1995, 7 pm–10 pm  
Seattle, Washington, H.M. Jackson Fed. Bldg, 915 2nd Ave.

September 21, 1995, 7 pm–10 pm  
Richland, Washington, Shiloh Inn, Rivershore (O'Callahan's), 50 Comstock

The hearings will be conducted by the Navy. Federal, state, tribal and local agencies and interested parties are invited to attend or be represented at the hearings. All statements, both oral and written, will become part of the public record. Equal weight will be given to both oral and written comments.

Dated: August 3, 1995.

**Michael A. Waters,**

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 95-20083 Filed 8-14-95; 8:45 am]

BILLING CODE 3810-FF-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP95-652-000]

### Eastern Shore Natural Gas Company; Notice of Request Under Blanket Authorization

August 9, 1995.

Take notice that on July 31, 1995, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 1769, Dover, Delaware 19903, filed in Docket No. CP95-652-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate new delivery point facilities for service to Delaware Division of Chesapeake Utilities Corporation (Delaware Division), an existing customer, in New Castle County, Delaware, under Eastern Shore's blanket certificate issued in Docket No. CP83-40-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Eastern Shore proposes to install a meter and appurtenant equipment and approximately 200 feet of 4-inch service line to comprise the Armstrong Corner delivery point. It is stated that Eastern Shore would use the delivery point for the delivery on a firm basis of approximately 1,084 Mcf of gas on a peak day to Delaware Division and approximately 127,730 Mcf on an annual basis. It is further stated that the volumes to be delivered would not exceed Delaware Division's currently authorized firm entitlement from Eastern Shore. It is explained that the construction cost would be paid by Delaware Division. Eastern Shore states that construction of the delivery point would not affect its peak day or annual deliveries to other firm customers. It is asserted that Eastern Shore's tariff does not prohibit the addition of delivery points on behalf of existing customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a

protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20088 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-655-000]

### Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

August 9, 1995.

Take notice that on August 1, 1995, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP95-655-000 pursuant to Sections 157.205, 157.211 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (NGA) for permission to, authorized in blanket certificate issued in Docket No. CP82-433-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to remove and retire two existing 8-inch regulators and appurtenances at the North Seattle Meter Station (Meter Station) in Smohomish County, Washington, at the request of Washington Natural Gas Company (Washington Natural). Northwest further proposes to construct and operate appurtenant replacement facilities at the Meter Station which would accommodate a higher delivery pressure and additional delivery capacity. Northwest states that the removal of the regulators will change the design capacity of the Meter Station from 117,500 Dth per day at the 260 psig to approximately 165,000 Dth per day at a minimum of 500 psig, with higher capacities and pressures. The estimated cost of the proposed facility upgrade would be approximately \$75,646 which would be reimbursed by Washington Natural.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed

for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20087 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP95-295-002]**

**Koch Gateway Pipeline Co.; Notice of Application for Special Permission to Withdraw Suspended Tariff Sheets**

August 9, 1995.

Take notice that on August 4, 1995, Koch Gateway Pipeline Company (Koch Gateway) tendered an application for special permission to withdraw the tariff sheets suspended in this docket.

Koch Gateway states that after evaluating prospective surcharges as an alternative to the direct bill recovery mechanism, Koch Gateway intends to submit a new filing proposing prospective surcharges as the recovery mechanism for the balance of its Account No. 191. Because Koch Gateway's current transportation customers will be subject to these proposed surcharges and were not subject to the direct bill mechanism filed in this docket, Koch Gateway believes that administratively, it would be more efficient, and would be in the best interest of all interested parties, to file the proposed surcharges under a new docket number. Therefore, Koch Gateway requests the Commission's special permission to withdraw the direct bill filing in this docket.

Koch Gateway states that copies of its application are being served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said application should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests should be filed on or before August 16, 1995. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of the filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20086 Filed 8-11-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP95-396-000]**

**Tennessee Gas Pipeline Co.; Notice of Filing of Stipulation and Agreement**

August 9, 1995.

Take notice that on July 25, 1995, Tennessee Gas Pipeline Company (Tennessee), pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, submitted a Stipulation and Agreement as settlement of certain system operations and tariff-related matters at issue in Tennessee's Docket Nos. RP95-63, RP95-88 and RP95-112.

Tennessee states that copies of the stipulation and agreement have been served to Tennessee's customers, affected parties and affected state regulatory commissions.

Any person desiring to file comments on the stipulation and agreement should file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426 in accordance with Rule 602(f)(2) of the Commission's Rules of Practice and Procedure. All comments should be filed in Docket No. RP95-396-000 on or before August 14, 1995. Reply comments must be filed on or before August 24, 1995.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20085 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP95-415-000]**

**East Tennessee Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff**

August 9, 1995.

Take notice that on August 7, 1995, East Tennessee Natural Gas Company (East Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheet with a proposed effective date of July 1, 1995:

Fourth Revised Sheet No. 4

East Tennessee states that it is making this filing pursuant to its Rate Schedule LMS-MA, Section 1.5 which requires East Tennessee to reflect in its no-notice, Daily Demand Service (DDS) rates changes in the Daily Demand Service rates of its upstream transporter,

Tennessee Gas Pipeline Company (Tennessee). East Tennessee further states that consistent with that language, East Tennessee seeks to revise its Daily Variance Charge. The revised tariff sheet reflects the decrease in Tennessee's Rate Schedule LMS-MA Daily Demand Service and Daily Variance Charge rates pursuant to Tennessee's implementation of its motion rates in Docket No. RP95-112.

East Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before August 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20084 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. EG95-72-000, et al.]**

**EI Services Colombia, et al.; Electric Rate and Corporate Regulation Filings**

August 9, 1995.

Take notice that the following filings have been made with the Commission:

**1. EI Services Colombia**

[Docket No. EG95-72-000]

On August 2, 1995, EI Services Colombia ("EI Colombia"), c/o Energy Initiatives, Inc., One Upper Pond Road, Parsippany, New Jersey 07054, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to 18 CFR Part 365 of the Commission's Regulations.

According to its application, EI Colombia, a Colombian corporation, was formed to operate and maintain a gas fired electric generating facility with a capacity of up to 980 MW to be located in Soledad near Barranquilla, Colombia (the "Facility"). The Applicant states that it intends to operate the Facility

pursuant to an operation and maintenance agreement with the Facility's owner, Termobarranquilla S.A., Empresa de Servicios Publicos ("TEBSA"), a Colombian corporation. All of the Facility's electricity will be sold at wholesale to Corporacion Electrica de la Costa Atlantica, a Colombian entity.

*Comment date:* August 28, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

## 2. Guaracachi America, Inc.

[Docket No. EG95-73-000]

On August 4, 1995, Guaracachi America, Inc. ("Applicant"), c/o Energy Initiatives, Inc., One Upper Pond Road, Parsippany, NJ 07054-1050, filed a request for a determination by the Commission, pursuant to 18 CFR Part 365 of the Commission's Regulations, that Applicant is an exempt wholesale generator. Applicant states that all communications regarding this application should be addressed to: Michael B. Barr, Esq., Hunton & Williams, 2000 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Applicant states that it is a Delaware corporation whose sole business purpose is to acquire and own capital stock in Empresa Guaracachi, S.A. ("Empresa Guaracachi"), a Bolivian company which owns and operates electric generating facilities in the Republic of Bolivia. Applicant states that upon Applicant's acquisition of capital stock in Empresa Guaracachi, Applicant will indirectly own and operate the electric generating facilities owned by Empresa Guaracachi within the meaning of Section 32(a)(1) of PUHCA. Empresa Guaracachi is a Bolivian corporation which owns and operates electric generating facilities in the Republic of Bolivia. Empresa Guaracachi was one of the three generating companies formed by the Government of Bolivia through the spin off of the principal generating assets of Empresa Nacional de Electricidad S.A. ("ENDE"), the Bolivian government owned electric company, as part of the capitalization of ENDE pursuant to the Capitalization Law No. 1544, which was passed by the Bolivian Congress on March 21, 1994.

*Comment date:* August 28, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

## 3. Enron Power Marketing, Inc.

[Docket No. ER94-24-009]

Take notice that on July 31, 1995, Enron Power Marketing, Inc. filed certain information as required by the Commission's December 2, 1993, letter-order in Docket No. ER94-24-000. Copies of Enron Power Marketing, Inc.'s informational filing are on file with the Commission and are available for public inspection.

## 4. North American Energy Conservation, Inc.

[Docket No. ER94-152-006]

Take notice that on July 31, 1995, North American Energy Conservation, Inc. filed certain information as required by the Commission's February 10, 1994, order in Docket No. ER94-152-000. Copies of North American Energy Conservation Inc.'s informational filing are on file with the Commission and are available for public inspection.

## 5. Rainbow Energy Marketing Corporation

[Docket No. ER94-1061-005]

Take notice that on August 1, 1995, Rainbow Energy Marketing Corporation filed certain information as required by the Commission's June 10, 1994, order in Docket No. ER94-1061-000. Copies of Rainbow Marketing Corporation's informational filing are on file with the Commission and are available for public inspection.

## 6. Direct Electric, Inc.

[Docket No. ER94-1161-005]

Take notice that on August 2, 1995, Direct Electric, Inc. filed certain information as required by the Commission's July 18, 1994, order in Docket No. ER94-1161-000. Copies of Direct Electric Inc.'s informational filing are on file with the Commission and are available for public inspection.

## 7. C.C. Pace Energy Services

[Docket No. ER94-1181-004]

Take notice that on July 26, 1995, C.C. Pace Energy Services, filed certain information as required by the Commission's July 25, 1994, letter-order in Docket No. ER94-1181-000. Copies of C.C. Pace Energy Services's informational filing are on file with the Commission and are available for public inspection.

## 8. MidCon Power Services Corp. Inc.

[Docket No. ER94-1329-004]

Take notice that on July 28, 1995, MidCon Power Services Corp. (MidCon) filed certain information as required by the Commission's August 11, 1994, order in Docket No. ER94-1329-000.

Copies of MidCon's informational filing are on file with the Commission and are available for public inspection.

## 9. Coastal Electric Services Company

[Docket No. ER94-1450-006]

Take notice that on July 31, 1995, Coastal Electric Services Company filed certain information as required by the Commission's September 29, 1994, order in Docket No. ER94-1450-000. Copies of Coastal Electric Services Company's informational filing are on file with the Commission and are available for public inspection.

## 10. Tennessee Power Company

[Docket No. ER95-581-001]

Take notice that on July 21, 1995, Tennessee Power Company filed certain information as required by the Commission's April 28, 1995, order in Docket No. ER95-581-000. Copies of Tennessee Power Company's informational filing are on file with the Commission and are available for public inspection.

## 11. Sierra Pacific Power Company

[Docket No. ER95-1059-000]

Take notice that on July 7, 1995, Sierra Pacific Power Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* August 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

## 12. Commonwealth Edison Company

[Docket No. ER95-1092-000]

Take notice that on August 4, 1995, Commonwealth Edison Company (ComEd) amended the filing made earlier in this proceeding to submit Service Agreements, establishing Enron Power Marketing, Inc. (Enron), and Wisconsin Power & Light Company (WP&L), as customers under the terms of ComEd's Transmission Service tariff FTD-1 Tariff). The Commission has previously designated the FTS-1 Tariff as FERC Electric Tariff, Original Volume No. 4.

ComEd requests an effective date of July 7, 1995, and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served upon Enron, WP&L and the Illinois Commerce Commission.

*Comment date:* August 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

## 13. Arizona Public Service Company

[Docket No. ER95-1210-000]

Take notice that on July 21, 1995, Arizona Public Service Company

tendered for filing an amendment in the above-referenced docket.

*Comment date:* August 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 14. Wisconsin Electric Power Company

[Docket No. ER95-1450-000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on July 31, 1995, tendered for filing an Electric Service Agreement between itself and Upper Peninsula Power Company (UPPCo). The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff (CST).

Wisconsin Electric requests waiver of the Commission's notice requirements and requests an effective date of July 17, 1995 in order to facilitate economic transactions under the CTS. Copies of the filing have been served on UPPCo, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment date:* August 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### 15. Northeast Utilities Service Company

[Docket No. ER95-1451-000]

Take notice that Northeast Utilities Service Company (NUSCO) on July 31, 1995, tendered for filing a Service Agreement and a Certificate of Concurrence with Massachusetts Municipal Wholesale Electric Company (MMWEC) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to MMWEC.

NUSCO requests that the Service Agreement become effective on September 1, 1995.

*Comment date:* August 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraph

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20140 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-P

#### Federal Energy Regulatory Commission

[Docket No. CP91-2206-010, et al.]

#### Tennessee Gas Pipeline Company, et al.; Natural Gas Certificate Filings

August 8, 1995.

Take notice that the following filings have been made with the Commission:

##### 1. Tennessee Gas Pipeline Company

[Docket No. CP91-2206-010]

Take notice that on August 3, 1995, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas, 77252, filed an abbreviated application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, 15 U.S.C. § 717f(b), (c), and 18 CFR Part 157, for authorization to amend the certificate of public convenience and necessity issued to Tennessee in this proceeding on May 20, 1992 and June 30, 1992 (the Elgen Certificate).

Tennessee requests the Commission to: (1) grant abandonment of certain firm natural gas transportation service provided for Pepperell Power Associates Limited Partnership (Pepperell), under a November 1, 1992 firm natural gas transportation agreement between Pepperell and Tennessee, Tennessee's Rate Schedule NET (the NET Contract), and the Elgen Certificate; and (2) permit Commonwealth Gas Company (Commonwealth) to assume this transportation service by substituting Commonwealth in place of Pepperell under the NET Contract and the Elgen Certificate.

*Comment date:* August 29, 1995, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

##### 2. Southern Natural Gas Company

[Docket No. CP95-83-001]

Take notice that on August 4, 1995, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP95-83-001 a petition to amend the order issued March 17, 1995, in Docket No. CP95-83-000 pursuant to Section 7(b) of the Natural Gas Act to abandon by sale the 4.8-mile Corinne Field Pipeline instead of in place as authorized by the March 17, 1995,

order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued March 17, 1995, Southern was authorized to abandon by sale the Black Warrior Pipeline to Geodyne Gas Company (Geodyne), abandon in place the Corinne Field Pipeline and abandon by removal two field compressors and a measuring and receiving station.

Southern requests amendment of the March 17, 1995 order so as to abandon by sale the Corinne Field Pipeline to Geodyne. Southern states that the Corinne Field Pipeline extends from Milepost 4.45 on the Black Warrior Pipeline in Monroe County, Mississippi, to an interconnection with Southern's Muldon Pipeline in Monroe County, Mississippi. Southern also states that it will remove the Corinne Field receiving station for which it received abandonment authorization under the March 17, 1995, order, and install it at the interconnection of the Corinne Field Pipeline and Southern's 30-inch Muldon Pipeline near Milepost 35.311 as an eligible facility under its Part 157, Subpart F blanket certificate.

*Comment date:* August 19, 1995, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

##### 3. Tennessee Gas Pipeline Company

[Docket No. CP95-659-000]

Take notice that on August 2, 1995, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP95-659-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a delivery point for deliveries of natural gas to an existing customer, Bolivar Gas Department (Bolivar), under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee proposes to install a 3-inch hot tap assembly and electronic gas measurement (EGM) equipment in order to provide a delivery point to Bolivar on its system at M.P. 72-4+7.61 located in McNairy County, Tennessee. The hot tap assembly would be installed on Tennessee's existing right-of-way and the EGM would be located on an adjacent site provided by Bolivar. Tennessee states that the total cost of the new facilities would be \$38,820 and

that Tennessee would be reimbursed 100% for the cost of these facilities.

Tennessee would deliver up to 6,575 Dth per day to Bolivar at this new delivery point. Tennessee states that it does not propose to increase the maximum contract quantity under an existing FT-GS contract with Bolivar and that there would be no impact on Tennessee's peak day or annual deliveries as a result of establishing this delivery point.

*Comment date:* September 22, 1995, in accordance with Standard Paragraph G at the end of this notice.

#### 4. Columbia Gas Transmission Corporation

[Docket No. CP95-665-000]

Take notice that on August 4, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP95-665-000 a request pursuant to Sections 157.205, 157.211 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.212) for authorization to construct and operate a new point of delivery to Baltimore Gas & Electric Company (BGE), in Baltimore County, Maryland, and reassign and reduce Maximum Daily Delivery Obligations (MDDO's) at another existing point to BGE, under Columbia's blanket certificate issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

The proposed delivery point for BGE would be used to provide up to 412 Dth/Day for residential service to serve Edrich Manor, a new subdivision. Columbia states that it will provide the service pursuant to Columbia's blanket certificate issued in Docket No. CP86-240-000 and that the transportation service to be initially provided through the new point of delivery will be firm service provided under Columbia's Rate Schedules SST or FTS, or it may be provided under firm capacity released by other shippers.

Columbia states that BGE has not requested an increase in its peak day entitlements in conjunction with this request for a new point of delivery and, therefore, there is no impact on Columbia's existing peak day obligations to its customers as a result of the construction and operation of the proposed new point of delivery. Columbia states that BGE agrees to amend its existing SST Service Agreement with an MDDO increase for Edrich Manor and a like reduction to the granite MDDO by 412 Dth/Day.

Columbia states that the estimated cost to establish this point of delivery will be approximately \$41,000, plus gross-up for income tax purposes.

Columbia states that BGE has agreed to reimburse Columbia for the actual cost.

Columbia states that it will comply with all of the environmental requirements of Section 157.206(d) of the Commission's regulations prior to the construction of any facilities.

*Comment date:* September 22, 1995, in accordance with Standard Paragraph G at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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 the 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 application 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 and/or permission and approval for the proposed abandonment are 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 applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR

385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-20089 Filed 8-14-95; 8:45 am]

BILLING CODE 6717-01-M

#### Southeastern Power Administration

[Rate Order No. SEPA-34]

#### Jim Woodruff Project

**AGENCY:** Southeastern Power Administration (Southeastern), DOE.

**ACTION:** Notice.

**SUMMARY:** On August 8, 1995, the Deputy Secretary, U. S. Department of Energy, confirmed and approved, on an interim basis, Rate Schedules JW-1-E and JW-2-B for the Jim Woodruff Project's power. The rates were approved on an interim basis through September 19, 2000, and are subject to confirmation and approval by the Federal Regulatory Commission on a final basis.

**DATES:** Approval of rates on an interim basis is effective September 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** E. B. Crenshaw, Acting Assistant Administrator, Finance and Marketing, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission (FERC) by Order issued September 6, 1994, in Docket No. EF94-3031-000, confirmed and approved Wholesale Power Rate Schedule JW-1-D through September 19, 1995. By Order issued July 16, 1991, the FERC approved Rate Schedule JW-2-B through September 19, 1995. Rate Schedule JW-1-E replaces Rate Schedule JW-1-D. Rate Schedule JW-2-B is to be extended to September 19, 2000.

Issued in Washington, D.C., August 8, 1995.

**Bill White,**

*Deputy Secretary.*

### **Order Confirming and Approving Power Parts on an Interim basis**

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (Southeastern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-108, effective May 30, 1986, 51 FR 19744 (May 30, 1986), the Secretary of Energy delegated to the Administrator the authority to develop power and transmission rates, and delegated to the Under Secretary the authority to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. On November 4, 1993, the Secretary of Energy issued Amendment No. 3 to Delegation Order No. 0204-108, granting the Deputy Secretary authority to confirm, approve, and place into effect Southeastern's rates on an interim basis. This rate order is issued by the Deputy Secretary pursuant to said notice.

### **Background**

Power from the Jim Woodruff Project is presently sold under Wholesale Power Rate Schedules JW-1-D and JW-2-B. Rate Schedule JW-2-B was approved by the FERC on July 16, 1991, for a period ending September 19, 1995 (56 FERC 62035).<sup>1</sup> Rate Schedule JW-1-D was approved by the FERC on September 6, 1994, (68 FERC 62216) for a period ending September 19, 1995.<sup>2</sup>

### **Public Notice and Comment**

Southeastern prepared a Power Repayment Study dated February 1995 for the Jim Woodruff Project which

showed that revenues at current rates were more than adequate to meet repayment criteria, with a reserve of about seven percent. On February 7, 1995, by **Federal Register** Notice 60 F.R. 7181, Southeastern proposed to extend the current Rate Schedules five years, to September 19, 2000. The Notice also announced a Public Information and Comment Forum to be held March 23, 1995, in Tallahassee, Florida, with a deadline for written comments of May 12, 1995. The Public Information and Comment Forum was canceled after no interested party expressed an intention to attend. Southeastern received one written comment from one party representing the six preference customers. The preference customers requested a rate reduction of about five percent.

Southeastern prepared a revised repayment study with the requested reduction to preference customers in May of 1995, which included a reserve of about two and one-half percent. Southeastern generally includes a reserve of one to three percent in its rates. Even with a rate reduction of about five percent to preference customers, the repayment study meets repayment criteria with a reserve of about two and one-half percent. Southeastern is proposing Rate Schedule JW-1-E, which includes the requested reduction, to replace Rate Schedule JW-1-D. Rate Schedule JW-1-E establishes a charge of \$5.13/kw/month for capacity and 15.2 mills/kwh for energy. Rate Schedule JW-2-B, which is a formula rate to Florida Power Corporation, is to be extended. Under this rate, Florida Power pays 60 percent of their avoided fuel cost. These rate schedules are to be in effect from September 20, 1995, to September 19, 2000.

### **Discussion**

#### *System Repayment*

An examination of Southeastern's revised system power repayment study, prepared in May 1995, for the Jim Woodruff Project, shows that with the proposed rates, all system power costs are paid within the 50-year repayment period required by existing law and DOE Procedure RA 6120.2. The Acting Administrator of Southeastern has certified that the rates are consistent with applicable law and that they are the lowest possible rates to customers consistent with sound business principles.

#### *Environmental Impact*

Southeastern has reviewed the possible environmental impacts of the

rate adjustment under consideration and has concluded that, because the adjusted rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

#### *Availability of Information*

Information regarding these rates, including studies, and other supporting materials is available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Power Marketing Liaison Office, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D. C. 20585.

#### *Submission to the Federal Energy Regulatory Commission*

The rates hereinafter confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning September 20, 1995, and ending no later than September 19, 2000.

### **Order**

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective September 20, 1995, attached Wholesale Power Rate Schedules JW-1-E and JW-2-B. The rate schedules shall remain in effect on an interim basis through September 19, 2000, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued in Washington, D.C., this 8th day of August.

**Bill White,**

*Deputy Secretary.*

[FR Doc. 95-20150 Filed 8-14-95; 8:45 am]

BILLING CODE 6450-01-P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **Public Information Collection Requirement Submitted to OMB for Review**

August 10, 1995.

The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the

<sup>1</sup> Rate Schedule JW-2-B was the rate for non-firm energy sold to the Florida Power Corporation.

<sup>2</sup> Rate Schedule JW-1-D was the modification of preference customer firm power rate previously approved by FERC to remain in effect through September 19, 1995. The previously approved rate would have increased over a five-year period from \$2.70 to \$5.94/kw month of contract demand and from 8 mills to 17.6 mills/kwh of associated energy. The Rate Schedule JW-1-D approved by FERC on September 6, 1994, established a rate of \$5.40/kw month of contract demand and 16 mills per kwh for associated energy through September 19, 1995.



following information collections, as required by the Paperwork Reduction Act of 1980, (44 U.S.C. 3507). Comments concerning the Commission's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated information techniques are requested.

Persons wishing to comment on this information collection should submit comments on or before September 22, 1995.

Direct all comments to Timothy Fain, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395-3561. and Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov. Copies may also be obtained via fax by contacting the Commission's Fax on Demand System. To obtain fax copies call 202-418-0177 from the handset on your fax machine, and enter the document retrieval number indicated below, when prompted.

The FCC is proposing to revise FCC Form 349 Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station. The revised FCC 349 will elicit information to identify the nature of the proposed modification, change or amendment being made by the FM Translator/Booster application. The addition of this services of check boxes will expedite processing by enabling FCC staff to readily identify the nature of the application without needing to contact the applicant. This revision will not impose any additional burden on the applicants. We have requested that OMB approval the above changes by September 22, 1995.

OMB Approval Number: 3060-0405.

Title: Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.

Form No.: FCC 349.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 500.

Estimated Time Per Response: 15 hours.

Total Annual Burden: 7,500 hours.

Needs and Uses: FCC Form 349 is used to apply for authority to construct a new or FM translator or FM booster broadcast station, or make changes in

the existing facilities of such station. The data is used by FCC staff to ensure that the applicant meets basic statutory requirements and will not cause interference to other licensed broadcast services.

Fax Document Retrieval Number: 600405.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

[FR Doc. 95-20188 Filed 8-14-95; 8:45 am]

BILLING CODE 6712-01-F

#### [CC Docket No. 92-237; DA 95-1721]

#### Administration of the North American Numbering Plan

**AGENCY:** Federal Communications Commission.

**ACTION:** Policy statement; Public notice.

**SUMMARY:** On August 9, 1995, the Common Carrier Bureau of the Federal Communications Commission released a Public Notice (Notice) requesting nominations for membership on the North American Numbering Council Advisory Committee. The Notice listed the requirements for applications and nominations for membership.

**DATES:** Interested parties may file applications or nominations for Council membership on or before September 14, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Mike Specht (Senior Engineer) 202-418-2378, Scott Shefferman (Attorney) (202) 418-2332, or Elizabeth Nightingale (Attorney) (202) 418-2352, Domestic Facilities Division, Common Carrier Bureau, Room 6008, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** FCC Requests Nominations for Membership on the North American Numbering Council Advisory Committee; Public Notice [CC Docket No. 92-237; DA 95-1721].

Released: August 9, 1995.

1. On July 13, 1995, the Commission adopted a new model for administration of the North American Numbering Plan (NANP) by announcing the establishment of the North American Numbering Council (NANC or Council). See *Administration of the North American Numbering Plan*, CC Docket No. 92-237, Report and Order, FCC 95-283 (released July 13, 1995) 60 FR 38737, July 28, 1995. The NANP is the basic numbering scheme that permits calls to be placed within the United

States, Canada, Bermuda and most of the Caribbean with, at most, 11 digit dialing. The model is guided by several principles, including maintaining and fostering an integrated approach to number administration throughout North America and providing a structure for number administration that is impartial and pro-competitive. The NANC will be organized under the provisions of the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988) (FACA), and will advise the Commission on numbering issues, select and guide a neutral NANP Administrator, apply Commission policy to resolve issues arising in the administration of the NANP, and conduct initial dispute resolution of all issues. The NANP Administrator will process number resource applications and maintain administrative numbering databases. Operational details and additional activities of the NANP Administrator are to be determined by the NANC. The Commission, with other NANP member countries, will oversee the NANC. Because the Council will include representatives from every sector of the telecommunications industry, as well as members representing NANP member countries, the states, and consumers, the Council's membership will be impartial and well balanced.

2. In carrying out its responsibilities, the Council shall assure that NANP administration supports the following policy objectives: (1) That the NANP facilitates entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications service providers; (2) that the NANP does not unduly favor or disfavor any particular industry segment or group of consumers; (3) that the NANP gives due regard to state and local interests; (4) that the NANP does not unduly favor one technology over another; (5) that the NANP gives consumers easy access to the public switched telephone network; and (6) that the NANP ensure that the interests of all NANP member countries are addressed fairly and efficiently, fostering continued integration of the NANP across NANP member countries.

#### I. Formation of the Advisory Committee

##### A. Procedure for Establishing an Advisory Committee

3. A Federal Advisory Committee may be established only after consultation with the Office of Management and Budget (OMB) and the General Services Administration (GSA) and the filing of a charter with Congress. The

Commission will prepare a charter and initiate the requisite consultation process prior to formation of the Council.

#### B. Participants

4. Each interested party will have the opportunity to be adequately represented. Further, the Commission must be satisfied that the group, as a whole, reflects a proper balance and mix of interests.

5. Entities may apply for, or nominate another entity for, membership on the Council. Each application or nomination must include:

(a) the name and title of the applicant or nominee and a description of the interests the applicant or nominee will represent;

(b) the applicant's or nominee's mail address, e-mail address (where available), telephone number and facsimile number;

(c) evidence that the applicant or nominee is authorized to represent parties related to the interests the applicant or nominee proposes to represent;

(d) the reasons why the applicant or nominee is an interested party; and

(e) a written commitment that the applicant or nominee shall actively participate in good faith in the objectives of the Council.

#### C. Agenda

6. If the Council's charter is approved, the Council's first meeting should take place within 30 days after such approval. At this initial meeting, the Council will begin the selection process for a neutral NANP Administrator; such selection shall occur no later than 180 days from the initial meeting of the Council.

#### D. Meetings and Compensation

7. The Federal Communications Commission will provide facilities needed to conduct the meetings, if the Commission has meeting facilities available. Otherwise, private sector members will provide facilities. Private sector members of the Council will serve without any government compensation, and will not be entitled to travel expenses or per diem subsistence allowances. Private sector members will not be considered special government employees for any purpose.

#### E. Record of Meetings

8. Pursuant to FACA, at all Council meetings, the Council will keep a record of meeting minutes and a Designated Federal Official will be present. This record will be placed in CC Docket No. 92-237. The Commission will announce

Council meetings in the **Federal Register**. These meetings will be open to the public.

#### VI. Conclusion

9. Interested parties may file applications or nominations for Council membership on or before thirty days from publication of this notice in the **Federal Register**. Applications and nominations should be sent to the Office of the Secretary, CC Docket No. 92-237, Federal Communications Commission, Washington, DC 20554. Applications and nominations will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, NW., Room 239, Washington, DC 20554.

10. For further information pertaining to membership on the Council contact Mike Specht (202) 418-2378, Scott Shefferman (202) 418-2332, or Elizabeth Nightingale (202) 418-2352, Common Carrier Bureau, 2025 M Street, NW., Room 6008 Washington, DC 20554.

Federal Communications Commission.

**Linda Dubroof,**

*Deputy Chief, Domestic Facilities Division,  
Common Carrier Bureau.*

[FR Doc. 95-20117 Filed 8-14-95; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL MARITIME COMMISSION

[Petition No. P3-95]

#### Marine Terminal Tariff Provisions Regarding Liability of Vessel Agents; Petition for Rulemaking; Enlargement of Time

The Commission by notice published July 12, 1995, (60 FR 35906) invited comments by interested persons regarding a petition filed by various associations of maritime interests including independent vessel agents ("Petitioners"). Petitioners seek the establishment by the Commission of a rule which would declare unlawful any marine terminal tariff provision that holds the vessel agent liable for terminal charges of its disclosed principal. Comments were required to be filed by August 14, 1995.

Counsel for Georgia Ports Authority now seeks an extension of the comment period to September 15, 1995. Counsel for Petitioners has no objection to grant of this request and, accordingly, it is granted.

Interested persons may reply to the petition no later than September 15, 1995. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-

0001, shall consist of an original and 15 copies, and shall be served on counsel for petitioners, Richard W. Kurrus, Esq., Kurrus & Kirchner, P.C. 2445 M Street NW., Washington, DC 20037.

Copies of the petition are available for examination at the Washington, D.C. office of the Commission, 800 N. Capitol Street NW., Room 1046.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 95-20110 Filed 8-14-95; 8:45 am]

BILLING CODE 6730-01-M

#### OFFICE OF THE FEDERAL REGISTER

#### Agreements Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States

**AGENCY:** Office of the Federal Register.

**ACTION:** Notice of availability of agreements.

**SUMMARY:** The American Institute in Taiwan has concluded a number of agreements with the Taipei Economic and Cultural Representative Office in the United States (formerly the Coordination Council for North American Affairs) in order to maintain cultural, commercial and other unofficial relations between the American people and the people of Taiwan. The Director of the Federal Register is publishing the list of these agreements on behalf of the American Institute in Taiwan in the public interest.

**SUPPLEMENTARY INFORMATION:** Cultural, commercial and other unofficial relations between the American people and the people on Taiwan are maintained on a nongovernmental basis through the American Institute in Taiwan (AIT), a private nonprofit corporation created under the Taiwan Relations Act (Pub. L. 96-8; 93 Stat. 14). The Coordination Council for North American Affairs (CCNAA) was established as its nongovernmental Taiwan counterpart. On October 10, 1995, the Coordination Council for North American Affairs was renamed the Taipei Economic and Cultural Representative Office in the United States (TECRO).

Under section 1(a) of the Act, agreements concluded between the AIT and the TECRO (CCNAA) are transmitted to the Congress, and according to sections 6 and 10(a) of the Act, such agreements have full force and effect under the law of the United States.

The texts of the agreements are available from the the American

Institute in Taiwan, 1700 North Moore Street, 17th Floor, Arlington, Virginia 22209. For further information contact the Corporate Secretary of AIT at this address, telephone: (703) 525-8474, fax: (703) 841-1385.

Following is a list of agreements between AIT and TECRO (CCNAA) which were in force as of January 1, 1995.

Dated: August 7, 1995.

**J. Richard Bock,**

*Deputy Managing Director and Corporation Secretary.*

Dated: August 10, 1995.

**Richard L. Claypoole,**

*Acting Director, Office of the Federal Register.*

**AIT-CCNAA AGREEMENTS**

**Agriculture**

1. Guidelines for a cooperative program in the agriculture sciences. Signed January 15 and 28, 1986. Entered into force January 28, 1986.

2. Amendment to the 1986 guidelines for a cooperative program in the agricultural sciences. Effected by exchange of letters September 1 and 11, 1989. Entered into force September 11, 1989.

3. Memorandum on cooperation in enhancing commodity situation and outlook reporting. Signed February 7, 1991. Entered into force February 7, 1991.

4. Agreement amending and extending the memorandum of February 7, 1991 on cooperation in enhancing commodity situation and outlook reporting. Signed November 2, 1993. Entered into force November 22, 1993.

5. Cooperative service agreement to facilitate fruit and vegetable inspection through their designated representatives, the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the Taiwan Provincial Fruit Marketing Cooperative (TPFMC) supervised by the Taiwan Council of Agriculture (COA). Signed April 28, 1993. Entered into force April 28, 1993.

6. Memorandum of agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs (Sanitary/Phytosanitary and Agricultural Standards). Signed November 4, 1993. Entered into force November 4, 1993.

**Aviation**

1. Air transport agreement, with annexes and exchanges of letters. Signed at Washington, March 5, 1980. Entered into force March 5, 1980.

2. Agreement implementing the air transport agreement of March 5, 1980. Effected by exchange of letters at

Arlington and Washington March 31, 1981. Entered into force March 31, 1981.

3. Memorandum of understanding for consultations relating to the air transport agreement of March 5, 1980. Signed at Taipei October 15, 1981. Entered into force October 15, 1981.

4. Agreement amending Article 6 of the air transport agreement of March 5, 1980. Effected by exchange of letters at Taipei May 8 and July 28, 1985. Entered into force July 28, 1986.

5. Memorandum of agreement concerning the arrangement for certain aeronautical equipment and services relating to civil aviation, with annexes. Signed September 24 and October 23, 1981. Entered into force October 23, 1981.

6. Amendment 1 to memorandum of agreement concerning aeronautical equipment and services of September 24 and October 23, 1981. Signed September 18 and 23, 1985. Entered into force September 23, 1985.

7. Amendment 2 to memorandum of agreement of September 24 and October 23, 1981, concerning aeronautical equipment and services. Signed September 23 and October 17, 1991. Entered into force October 17, 1991.

**Conservation**

1. Memorandum on cooperation in forestry and natural resources conservation. Signed May 23 and July 4, 1991. Entered into force July 4, 1991.

2. Memorandum on cooperation in soil and water conservation under the guidelines for a cooperative program in the agricultural sciences. Signed at Washington on October 5, 1992. Entered into force October 5, 1992.

**Customs**

1. Agreement for technical assistance in customs operations and management, with attachment. Signed May 14 and June 4, 1991. Entered into force June 4, 1991.

**Education and Culture**

1. Agreement amending the agreement for financing certain educational and cultural exchange programs of April 23, 1964. Effected by exchange of letters of Taipei on April 14 and June 4, 1979. Entered into force June 4, 1979.

2. Agreement concerning the Taipei American School, with annex. Signed at Taipei February 3, 1983. Entered into force February 3, 1983.

**Energy**

1. Agreement relating to the establishment of a joint standing committee on civil nuclear cooperation. Signed at Taipei October 3, 1984. Entered into force October 3, 1984.

2. Agreement amending and extending the agreement of October 3, 1984, relating to the establishment of a joint standing committee on civil nuclear cooperation. Signed October 19, 1989. Entered into force October 19, 1989.

3. Agreement Amending and Extending the Agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs Relating to the Establishment of a Joint Standing Committee on Civil Nuclear Cooperation. Signed October 3, 1994. Entered into force October 3, 1994.

4. Agreement abandoning in place in Taiwan the Argonaut Research Reactor loaned to National Tsing Hua University. Signed November 28, 1990.

5. Agreement concerning safeguards arrangements for nuclear materials transferred from France to Taiwan. Effected by exchange of letters of February 12 and May 13, 1993. Entered into force May 13, 1993.

6. Agreement relating to participation in the USNRC program of severe accident research, with appendix. Signed February 18 and June 24, 1993. Entered into force June 24, 1993; effective January 1, 1993.

7. Agreement Regarding Participation in the Second USNRC International Piping Integrity Research Group Program, with addendum. Signed at Arlington and Washington February 7 and June 30, 1994. Entered into force June 30, 1994.

8. Agreement Relating to Participation in the USNRC Program of Thermal-Hydraulic Code Applications and Maintenance, with addendum. Signed at Arlington and Washington February 7 and June 30, 1994. Entered into force June 30, 1994.

**Environment**

1. Agreement for Technical Cooperation in the field of Environmental Protection. Signed June 21, 1993. Entered into force June 21, 1993.

**Health**

1. Guidelines for a cooperative program in the biomedical sciences. Signed May 21, 1984. Entered into force May 21, 1984.

2. Amendment No. 1 to the 1984 guidelines for a cooperative program in the biomedical sciences, with attachment. Signed April 20, 1989. Entered into force April 20, 1989.

3. Amendment No. 2 to the 1984 guidelines for a cooperative program in the biomedical sciences, with attachment. Signed August 24, 1989. Entered into force August 24, 1989.

4. Guidelines for a cooperative program in food hygiene. Signed January 15 and 28, 1985. Entered into force January 28, 1985.

5. Guidelines for a cooperative program in public health and preventive medicine. Signed at Arlington and Washington June 30 and July 19, 1994. Entered into force July 19, 1994.

6. Agreement for Technical Cooperation in Vaccine and Immunization-related Activities. Signed at Washington October 6 and 7, 1994. Entered into force October 7, 1994.

#### **Intellectual Property**

1. Agreement concerning the protection and enforcement of rights in audiovisual works. Effected by exchange of letters at Arlington and Washington June 6 and June 27, 1989. Entered into force June 27, 1989.

2. Understanding concerning the protection of intellectual property rights. Signed at Washington June 5, 1992. Entered into force June 5, 1992.

3. Agreement for the protection of copyright, with appendix. Signed July 16, 1993. Entered into force July 16, 1993.

#### **Judicial Procedure**

1. Memorandum of understanding on cooperation in the field of criminal investigations prosecutions. Signed at Taipei October 5, 1992. Entered into force October 5, 1992.

#### **Labor**

1. Guidelines for a cooperative program in labor affairs. December 6, 1991. Entered into force December 6, 1991.

#### **Maritime**

1. Agreement concerning mutual implementation of the 1974 Convention for the safety of life at sea. Effected by exchange of letters at Arlington and Washington August 17 and September 7, 1982. Entered into force September 7, 1982.

2. Agreement concerning mutual implementation of the 1969 international convention on tonnage measurement. Effected by exchange of letters at Arlington and Washington May 13 and 26, 1983. Entered into force May 26, 1983.

3. Agreement concerning mutual implementation of the protocol of 1978 relating to the 1974 international convention for the safety of life at sea. Effected by exchange of letters at Arlington and Washington January 22 and 31, 1985. Entered into force January 31, 1985.

4. Agreement concerning mutual implementation of the protocol of 1978

relating to the international convention for the prevention of pollution from ships, 1973. Effected by exchange of letters at Arlington and Washington January 22 and 31, 1985. Entered into force January 31, 1985.

5. Agreement concerning mutual implementation of the 1966 international convention on load lines. Effected by exchange of letters at Arlington and Washington March 26 and April 10, 1985. Entered into force April 10, 1985.

6. Agreement concerning the operating environment for ocean carriers. Effected by exchange of letters at Washington and Arlington October 25 and 27, 1989. Entered into force October 27, 1989.

#### **Postal**

1. Agreement concerning establishment of INTELPOST service. Effected by exchange of letters at Arlington and Washington April 19 and November 26, 1990. Entered into force November 26, 1990.

2. International business reply service agreement, with detailed regulations. Signed at Washington February 7, 1992. Entered into force February 7, 1992.

#### **Privileges and Immunities**

1. Agreement on privileges, exemptions and immunities, with addendum. Signed at Washington October 2, 1980. Entered into force October 2, 1980.

2. Agreement governing the use and disposal of vehicles imported by the American Institute in Taiwan and its personnel. Signed at Taipei April 21, 1986. Entered into force April 21, 1986.

#### **Scientific & Technical Cooperation**

1. Agreement on scientific cooperation. Effected by exchange of letters at Arlington and Washington on September 4, 1980. Entered into force September 4, 1980.

2. Agreement concerning renewal & extension of the 1980 agreement on scientific cooperation. Signed and accepted March 10, 1987. Entered into force March 10, 1987.

3. Contract relating to provision to the AIT of ionospheric weather observations by the CCNAA, with attachments, as extended. Signed November 26, 1980. Entered into force November 26, 1980.

4. Agreement for technical assistance in dam design and construction, with appendices. Signed August 24, 1987. Entered into force August 24, 1987.

5. Agreement amending extending the agreement of August 24, 1987, for technical assistance in dam design and construction. Signed May 11 and June 9, 1992. Entered into force June 9, 1992.

6. Agreement for a cooperative program in the sale and exchange of technical, scientific, and engineering information. Signed November 17, 1987. Entered into force November 17, 1987.

7. Agreement renewing and extending the agreement of November 17, 1987, for a cooperative program in the sale and exchange of technical, scientific and engineering information. Signed and accepted August 8, 1990. Entered into force August 8, 1990.

8. Cooperative program on Hualien soil-structure interaction experiment. Signed and accepted September 28, 1990.

9. Guidelines for a cooperative program in the physical sciences. Signed March 10, 1987. Entered into force March 10, 1987.

10. Amendment No. 1 to the guidelines of March 10, 1987, for a cooperative program in the physical sciences. Signed on January 26, 1989. Entered into force January 26, 1989.

11. Amendment No. 2 to the guidelines of March 10, 1987, for a cooperative program in the physical sciences. Signed October 25, 1990 and March 22, 1991. Entered into force March 22, 1991.

12. Guidelines for a cooperative program in atmospheric research. Signed May 4, 1987. Entered into force May 4, 1987.

13. Agreement for procurement of equipment for the Taiwan synchrotron radiation research laboratory, with appendices. Signed April 20, 1988. Entered into force April 20, 1988.

14. Agreement for technical cooperation in meteorology and forecast systems development, with implementing arrangements. Signed June 5 and 28, 1990. Entered into force June 28, 1990.

15. Agreement for technical cooperation in energy and water resources, with annex. Signed December 21, 1990 and February 13, 1991. Entered into force February 13, 1991.

16. Agreement for technical cooperation in geodetic research and use of advanced geodetic technology, with implementing arrangement. Signed January 11 and February 21, 1991. Entered into force February 21, 1991.

17. Cooperative program in highway-related sciences. Signed October 30, 1990 and January 7, 1992. Entered into force January 7, 1992.

18. Agreement for technical cooperation in seismology and earthquake monitoring systems development, with implementing arrangement. Signed July 22 and 24, 1992. Entered into force July 24, 1992.

**Security of Information**

1. Protection of information agreement. Signed September 15, 1981. Entered into force September 15, 1981.

**Taxation**

1. Agreement concerning the reciprocal exemption from income tax of income derived from the international operation of ships and aircraft. Effected by exchange of letters at Taipei May 31, 1988. Entered into force May 31, 1988.

2. Agreement for technical assistance in tax administration, with appendices. Signed August 1, 1989. Entered into force August 1, 1989.

**Trade**

1. Agreement concerning trade matters, with annexes. Effected by exchange of letters at Arlington and Washington October 24, 1979. Entered into force October 24, 1979; effective January 1, 1980.

2. Agreement concerning trade matters. Effected by exchange of letters at Arlington and Washington December 31, 1981. Entered into force December 31, 1981.

3. Agreement concerning measures that the CCNAA will undertake in connection with implementation of the GATT Customs Valuation Code. Effected by exchange of letters at Bethesda and Arlington August 22, 1986. Entered into force August 22, 1986.

4. Agreement concerning the export performance requirement affecting investment in the automotive sector. Effected by exchange of letters at Washington and Arlington of October 9, 1986. Entered into force October 9, 1986.

5. Agreement concerning beer, wine and cigarettes. Signed at Washington December 12, 1986. Entered into force December 12, 1986; effective January 1, 1987.

6. Agreement implementing the 1986 beer, wine and cigarettes agreement. Effected by exchange of letters at Taipei April 29, 1987. Entered into force April 29, 1987; effective January 1, 1987.

7. Agreement regarding new requirements for health warning legends on cigarettes sold in the territory represented by CCNAA. Effected by exchange of letters at Washington and Arlington October 7 and 16, 1991. Entered into force October 16, 1991.

8. Agreement concerning trade in whole turkeys, turkey parts, processed turkey products and whole ducks, with memorandum of understanding. Effected by exchange of letters at Arlington and Washington of March 16, 1989. Entered into force March 16, 1989.

9. Agreement on trade in high-quality beef, with technical addendum. Signed June 18, 1990. Entered into force June 18, 1990.

10. Agreement concerning the protection of trade in strategic commodities and technical data, with memorandum of understanding. Effected by exchange of letters at Arlington and Washington December 4, 1990 and April 8, 1991. Entered into force April 8, 1991.

11. Administrative arrangement concerning the textile visa system. Effected by exchange of letters at Arlington and Washington April 18 and May 1, 1991. Entered into force May 1, 1991.

12. Memorandum of understanding concerning a new quota arrangement for cotton and man-made fiber trousers. Signed at Washington December 18, 1992. Entered into force December 18, 1992.

13. Memorandum of understanding on the exchange of information concerning commodity futures and options matters, with appendix. Signed January 11, 1993. Entered into force January 11, 1993.

14. Agreement relating to trade in cotton, wool, man-made fiber, silk blend and other non-cotton vegetable fiber textile products, with annexes. Effected by exchange of letters of June 4 and 24, 1993. Entered into force June 24, 1993.

15. Agreement concerning a framework or principles and procedures for consultations regarding trade and investment, with annex. Signed at Washington September 19, 1994. Entered into force September 19, 1994.

[FR Doc. 95-20097 Filed 8-14-95; 8:45 am]

BILLING CODE 1505-02-M

**FEDERAL RESERVE SYSTEM****NBD Bancorp, Inc.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction**

This notice corrects a notice (FR Doc. 95-19103) published on page 39740 of the issue for Thursday, August 3, 1995.

Under the Federal Reserve Bank of Kansas City heading, the entry for NBD Bancorp, Inc., is revised to read as follows:

**A. Federal Reserve Bank of Chicago** (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *NBD Bancorp, Inc.*, Detroit, Michigan; to acquire 100 percent of the voting shares of NBD Bank, Venice, Florida.

Comments on this application must be received by August 28, 1995.

Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20181 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-F

**New Era Bancorporation, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 29, 1995.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *New Era Bancorporation, Inc.*, Fredericktown, Missouri; proposes to acquire 100 percent of the voting shares

of St. Francois County Financial Corp., and its subsidiary, St. Francois County Bank, F.S.B., Farmington, Missouri, and thereby engage in operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y. Immediately following consummation, St. Francois County Financial Corp. will be merged with and into New Era Bancorporation, Inc. and its subsidiary bank will purchase all the assets and assume all the liabilities of St. Francois County Bank, F.S.B.

Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20182 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-F

### **PNC Bank Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be

accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 8, 1995.

**A. Federal Reserve Bank of Cleveland**  
(John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Bank Corp.*, Pittsburgh, Pennsylvania, and PNC Bancorp., Wilmington, Delaware; to merge with Midlantic Corporation, Edison, New Jersey, and thereby indirectly acquire Midlantic Bank, N.A., Newark, New Jersey.

In connection with this application, Applicant also has applied to acquire Midlantic Securities Corp., Philadelphia, Pennsylvania; and thereby engage in providing securities brokerage services, related securities credit activities, and incidental activities such as offering custodial services, individual retirement accounts, and cash management services. All activities are restricted to buying and selling securities as agent for the account of customers and will not include securities underwriting or dealing or offering investment advice or providing research services, pursuant to § 225.25(b)(15) of the Board's Regulations Y; Lenders Life Insurance Company, Phoenix, Arizona, and Pennsauken, New Jersey, and thereby engage in in underwriting, as reinsurer, credit life and credit disability insurance directly related to extensions of credit by Midlantic Bank, N.A., pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y; Greater Jersey Mortgage Co. Edison, New Jersey, and thereby engage in originating and/or purchasing commercial mortgage loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y; Midlantic Commercial Leasing Corp., Edison, New Jersey, and thereby engage in the business of commercial leasing, pursuant to § 225.25(b)(5) of the Board's Regulation Y.

In connection with this application, PNC Bank Corp., Pittsburgh, Pennsylvania, and PNC Bancorp, Inc., Wilmington, Delaware; have applied to acquire at least 19.90 percent of the voting shares of Midlantic Corporation, Edison, New Jersey, and Midlantic Corporation, Edison, New Jersey, also has applied to acquire at least 19.90

percent of the voting shares of PNC Bank Corp., Pittsburgh, Pennsylvania.

Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20183 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-F

### **James Michael Shaw; Change in Bank Control Notice**

#### **Acquisition of Shares of Banks or Bank Holding Companies**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than August 29, 1995.

**A. Federal Reserve Bank of St. Louis**  
(Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *James Michael Shaw*, Fort Smith, Arkansas; to acquire an additional 63.07 percent, for a total of 72.17 percent, of the voting shares of Mansfield Bankstock, Inc., Mansfield, Arkansas, and thereby indirectly acquire Bank of Mansfield, Mansfield, Arkansas.

Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20184 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-F

### **SNBNY Holdings Limited, 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 September 8, 1995.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *SNBNY Holdings Limited*, Neptune House, Marina Bay, City of Gibraltar; to become a bank holding company by acquiring approximately 8.29 percent of the voting shares of Safra National Bank of New York, New York, New York.

**B. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First State Bancorp, Inc.*, Winchester, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The First State Bank of Adams County, Winchester, Ohio.

2. *Premier Financial Bancorp, Inc.*, Vanceburg, Kentucky; to acquire 100 percent of the voting shares of The Citizens Bank, Sharpsburg, Kentucky.

Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20185 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL TRADE COMMISSION

[File No. 931-0121]

### Mustad International Group NV and Mustad Connecticut, Inc.; Proposed Consent Agreement With Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair

methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Bulle, Switzerland-based company and its Bloomfield, Connecticut-based subsidiary to divest assets or technology in its manufacture and sale of roll horseshoe nails.

**DATES:** Comments must be received on or before October 16, 1995.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave NW., Washington, DC 20580.

#### FOR FURTHER INFORMATION CONTACT:

Howard Morse, Bureau of Competition, Federal Trade Commission, S-3627, 6th Street & Pennsylvania Ave. NW., Washington, DC 20580. (202) 326-2949.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

#### Agreement Containing Consent Order

The Federal Trade Commission ("Commission") having initiated an investigation of acquisitions by Mustad Connecticut, Inc. ("Mustad Connecticut") and Mustad International Group NV ("Mustad Group") of the horseshoe nail assets of Capewell Manufacturing Company, the assets of Cooper Horseshoe Nail Co., Ltd., a majority interest in Emcoclavos S.A., and the horseshoe nail assets of Sterward Engineering Company, Ltd., and it now appearing that Mustad Connecticut and Mustad Group, hereinafter sometimes referred to as "proposed respondents," are willing to enter into an agreement containing an order to divest certain assets and to cease and desist from making certain acquisitions, and providing for other relief.

It is hereby agreed by and between proposed respondents, by their duly authorized officers and attorney, and counsel for the Commission that:

1. Proposed respondent Mustad Connecticut, a wholly owned subsidiary of Mustad International Group NV, is a

corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut, with its principal place of business at 1395 Blue Hills Avenue, Bloomfield, Connecticut 06002.

2. Proposed respondent Mustad Group is a corporation organized, existing, and doing business under and by virtue of the laws of the Netherlands Antilles with its principal place of business at St. Pierhalsteeg 5, NL-1012 GL Amsterdam.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint.

4. Proposed respondents waive:

(a) any further procedural steps;

(b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of laws;

(c) all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceedings unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint, or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the following order to divest, license, and cease and desist in disposition of the proceeding, and (2) make information public with respect

thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' or to their counsel's addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondents have read the proposed complaint and order contemplated hereby. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

## Order

### I

It is ordered that, as used in this order, the following definitions shall apply:

A. "Mustad Connecticut" means Mustad Connecticut, Inc., a wholly owned subsidiary of Mustad International Group NV, its predecessors, subsidiaries, divisions, and groups and affiliates controlled by Mustad Connecticut, their successors and assigns, and their directors, officers, employees, agents and representatives.

B. "Mustad Group" means Mustad International Group NV, its predecessors, subsidiaries, divisions, and groups and affiliates controlled by Mustad Group, their successors and assigns, and their directors, officers, employees, agents and representatives.

C. "Respondents" or "Mustad" means Mustad Connecticut and Mustad Group.

D. "Acquisitions" means the acquisitions by Mustad of the assets of Cooper Horseshoe Nail Co., Ltd.; stock of Emcoclavos S.A.; and assets of Sterward Engineering Company, Ltd.

E. "Capewell" means substantially all assets of Capewell Horsenails, Inc., including assets, properties, business and goodwill, tangible and intangible, used in the manufacture and sale of

Rolled Horseshoe Nails, including the following:

1. Machinery, fixtures, equipment, vehicles, transportation facilities, furniture, tools and other tangible personal property;

2. Customer lists, vendor lists, catalogs, sales promotion literature, advertising materials, research materials, technical information, management information systems, software, inventions, trade secrets, intellectual property, patents, technology, know-how, specifications, designs, drawings, processes and quality control data;

3. Inventory of nails produced by Capewell;

4. Rights, titles and interests in and to the contracts entered into in the ordinary course of business with customers (together with associated bid and performance bonds), suppliers, sales representatives, distributors, agents, personal property lessors, personal property lessees, licensors, licensees, consignors and consignees;

5. Rights under warranties and guarantees, express or implied;

6. Books, record, files; and

7. Items of prepaid expense.

F. "Commission" means the Federal Trade Commission.

G. "Rolled Horseshoe Nails" means horseshoe nails that are produced by the rolling process of drawing the shank of the nail through a series of dies.

H. "Functioning Nail Machine" means a fully functioning and operational machine that has produced at least 800 pounds per week of City Head No. 5 Rolled Horseshoe Nails during the preceding year, or the equivalent production of other types and sizes of nails, including tooling used in the maintenance or operation of such nail machines, and capable of producing Rolled Horseshoe Nails in at least the following sizes: city head 5, city head 6, slim blade 5, regular head 5, and race nail 3½.

I. "Spare Nail Machine" means a functioning or non-functioning machine suitable for use in providing spare and replacement parts for the Functioning Nail Machines.

J. "Nail Machine" means a Functioning Nail Machine or Spare Nail Machine.

K. "Technology and Know-how" means all of Mustad's drawings, blueprints, patents, specifications, tests, and other documentation, and all information contained therein or available to Mustad personnel relating to the design, and the production methods, processes and systems used in the production of Rolled Horseshoe Nails.

### II

It is further ordered that:

A. Mustad shall divest, absolutely and in good faith, by May 15, 1996, either (i) Capewell as an ongoing business, or (ii) four (4) Functioning Nail Machines and one (1) Spare Nail Machine and shall grant a perpetual non-exclusive license of the Technology and Know-how to the acquirer.

B. The divestiture and granting of the license shall be made only to an acquirer that receives the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture and licensing is to create an independent competitor in the production and sale of Rolled Horseshoe Nails and to remedy the lessening of competition in the United States resulting from the Acquisitions as alleged in the Commission's complaint. Mustad shall divest such other ancillary assets and effect such other arrangements as are reasonably necessary for the acquirer to be viable, and competitive.

C. If Mustad divests the Functioning Nail Machines and Spare Nail Machine, then upon reasonable notice from the acquirer to respondents, respondents shall provide such assistance to the acquirer as is reasonably necessary to enable the acquirer to produce Rolled Horseshoe Nails in substantially the same manner and quality employed or achieved by the respondent prior to divestiture. Such assistance shall include reasonable consultation with knowledgeable employees and training for a period of time sufficient to satisfy the acquirer's management that its personnel are appropriately trained in the production of rolled horseshoe nails. Respondents shall convey all know-how necessary to produce rolled horseshoe nails in substantially the same manner and quality employed or achieved by respondent prior to divestiture. However, respondents shall not be required to continue providing such assistance for more than one (1) year from the date of divestiture. Respondents shall charge the acquirer its own direct costs for providing such assistance.

### III

It is further ordered that, pending divestiture of Capewell or the Functioning Nail Machines and Spare Nail Machine pursuant to Paragraphs II.A., Mustad shall take such action as is necessary to maintain the viability and marketability of the Nail Machines to be divested and shall not cause or permit the destruction, removal,



wasting, deterioration or impairment of such Nail Machines, except for ordinary wear and tear that does not affect the viability and marketability of the Nail Machines.

#### IV

It is further order that:

A. If respondents have not completed the divestiture required by paragraph II.A. by May 15, 1996, the Commission may appoint a trustee to divest four (4) Functioning Nail Machines, one (1) Spare Nail Machine, and license the Technology and Know-how. In the event the Commission or the Attorney General brings an action pursuant to § 5(1) of the Federal Trade Commission Act, 15 U.S.C. § 45(1), or any other statute enforced by the Commission, Mustad shall consent to the appointment of a trustee in such action. Neither the appointment of a trustee nor a decision not to appoint a trustee under this Paragraph shall preclude the Commission or the Attorney General from seeking civil penalties or any other relief available to it, including a court-appointed trustee, pursuant to Section 5(1) of the Federal Trade Commission Act, or any other statute enforced by the Commission, for any failure by Mustad to comply with this order.

B. If a trustee is appointed by the Commission or a court pursuant to Paragraph IV.A. of this order, Mustad shall consent to the following terms and conditions regarding the trustee's powers, duties, authorities, and responsibilities:

(1) The Commission shall select the trustee, subject to the consent of Mustad, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures. If Mustad has not opposed the selection of a proposed trustee within fifteen (15) days after notice by the Commission's staff to Mustad of the identity of the proposed trustee, Mustad shall be deemed to have consented to the selection of the proposed trustee.

(2) Subject to the prior approval of the Commission, the trustee shall have the exclusive power and authority to divest the Nail Machines and grant a license for the Technology and Know-how and to make any further arrangements that may be reasonably necessary to maintain the viability and competitiveness of the business.

(3) The trustee shall have twelve (12) months from the date the Commission approves the trust agreement described in Paragraph IV.B.8 to accomplish the divestiture, which shall be subject to the prior approval of the Commission. If, however, at the end of the twelve-month

period, the trustee has submitted a plan of divestiture or believes that the divestiture can be accomplished within a reasonable time, the divestiture period may be extended by the Commission or, in the case of a court-appointed trustee, by the court, provided, however, that the Commission may extend this period only two (2) times and for a total period not to exceed two (2) years.

(4) The trustee shall have full and complete access to the personnel, books, records, and facilities related to the Nail Machines, or to any other relevant information, as the trustee may reasonably request. Respondents shall provide such financial or other information as such trustee may reasonably request and shall cooperate with the trustee. Mustad shall take no action to interfere with or impede the trustee's accomplishment of the divestiture and licensing. Any delays in divestiture caused by Mustad shall extend the time for divestiture under Paragraph IV.B.3 in an amount equal to the delay, as determined by the Commission or, for a court-appointed trustee, by the court.

(5) Subject to Mustad's absolute and unconditional obligation to divest and license at no minimum price, and the purpose of the divestiture and licensing as stated in Paragraph II of this order, the trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Commission. The divestiture shall be made in the manner set out in Paragraph III of this order, provided, however, if the trustee receives bona fide offers from more than one acquiring entity, and if the Commission determines to approve more than one such acquiring entity, the trustee shall divest to the acquiring entity or entities selected by Mustad from among those approved by the Commission.

(6) The trustee shall serve, without bond or other security, at the cost and expense of Mustad, on such reasonable and customary terms and conditions as the Commission or, in the case of a court-appointed trustee, the court may set. The trustee shall have authority to employ, at the cost and expense of Mustad, such consultants, accountants, attorneys, investment bankers, business brokers, appraisers, and other representatives and assistants as are reasonably necessary and at reasonable cost to carry out the trustee's duties and responsibilities. The trustee shall account for all monies derived from the divestiture and licensing and all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of

the account of the trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Mustad and the trustee's power shall be terminated. The trustee's compensation shall be based in significant part on a reasonable commission arrangement contingent on the trustee's divesting the Nail Machines and licensing the technology and know-how.

(7) Mustad shall indemnify the trustee and hold the trustee harmless against any losses, claims, damages, liabilities, or expenses arising out of, or in connection with, the performance of the trusteeship, including all reasonable fees of counsel and other expenses incurred in connection with the preparation for, or defense of any claim, whether or not resulting in any liability, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, negligence, willful or wanton acts, or bad faith by the trustee.

(8) Within ten (10) days after appointment of the trustee, and subject to the prior approval of the Commission and, in the case of a court-appointed trustee, of the court, Mustad shall execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to effect the divestiture and licensing required by this order.

(9) If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as provided in Paragraph IV.A. of this order.

(10) The Commission or, in the case of a court-appointed trustee, the court may on its own initiative or at the request of the trustee issue such additional orders or directions as may be necessary or appropriate to accomplish the divestiture and licensing required by this order.

(11) The trustee shall have no obligation or authority to operate or maintain the Nail Machines.

(12) The trustee shall report in writing to Mustad and to the Commission every sixty (60) days concerning the trustee's efforts to accomplish the divestiture and licensing.

#### V

It is further ordered that:

A. Within sixty (60) days after the date this order becomes final and every sixty (60) days thereafter until Mustad has fully complied with the provisions of Paragraph II or IV of this order, Mustad shall submit to the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with those provisions.

Mustad shall include in its compliance reports, among other things that are required from time to time, a full description of the efforts being made to comply with Paragraphs II and IV of the order, including a description of all substantive contacts or negotiations for the divestiture and licensing and the identity of all parties contacted. Mustad also shall include in its compliance reports copies of all written communications to and from such parties, all internal memoranda, and all reports and recommendations concerning divestiture.

B. One year from the year that this order becomes final, annually for the next nine (9) years on the anniversary of the date on which this order becomes final, and at such other times as the Commission may require, Mustad shall file with the Commission a verified written report setting forth in detail the manner and form in which it has complied and is complying with Paragraph VI of this order.

It is further ordered that, for a period of ten (10) years from the date this order becomes final, respondent shall not, without providing advance written notification to the Commission, directly or indirectly, through subsidiaries, partnerships, or otherwise:

A. Acquire any stock, share capital, equity or other interest in any concern, corporate or non-corporate, presently engaged in, within the two years preceding such acquisition engaged in, or in the process of attempting to engage in producing or selling horseshoe nails in the United States; or

B. Acquire any assets used for, or previously used for (and still suitable for use for) the production of horseshoe nails from any concern, corporate or non-corporate, presently engaged in, within the past two years engaged in, or in the process of attempting to engage in producing or selling horseshoe nails in the United States.

Said notification shall be given on the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended (hereinafter referred to as "the Notification"). Respondent shall provide to the Commission at least thirty days prior to acquiring any such interest (hereinafter referred to as the "first waiting period"), both the Notification and supplemental information either in respondent's possession or reasonably available to respondent. Such supplemental information shall include a copy of the proposed acquisition agreement; the names of the principal representatives of respondent and of the firm respondent desires to acquire who

negotiated the acquisition agreement; and any management or strategic plans discussing the proposed acquisition. If, within the first waiting period, representatives of the Commission make a written request for additional information, respondent shall not consummate the acquisition until twenty days after submitting such additional information. Early termination of the waiting periods in this paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. § 18a.

#### VII

It is further ordered that, for the purposes of determining or securing compliance with this order, and subject to any legally recognized privilege, upon written request, Mustad reasonably shall permit any duly authorized representatives of the Commission:

A. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Mustad relating to any matters contained in this order; and

B. Upon five (5) days notice to Mustad, and without restraint or interference from Mustad, to interview officers or employees of Mustad, who may have counsel present, regarding such matters.

#### VIII

It is further ordered that Mustad shall notify the Commission at least thirty (30) days prior to any proposed change in Mustad, such as dissolution, assignment, or sale resulting in the emergence of a successor, the creation or dissolution of subsidiaries, or any other change that may affect compliance obligations arising out of this order.

#### **Analysis of Proposed Consent Order to Aid Public Comment**

The Federal Trade Commission ("Commission") has accepted, subject to final approval, and Agreement Containing Consent Order ("Agreement") from Mustad International Group NV ("Mustad"), a Netherlands Antilles firm, and Mustad Connecticut, Inc., a Connecticut company.

The proposed Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public

record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

Mustad has consummated a series of acquisitions, beginning in July 1985 through January 1993. The proposed complaint alleges that the effect of the acquisitions was to substantially lessen competition and to give Mustad a virtual monopoly in the market for rolled horseshoe nails, which allowed Mustad to raise prices by as much as 50-75% on the most popular, large volume sizes of horseshoe nails in the United States.

The complaint alleges that Mustad acquired Capewell Manufacturing Company ("Capewell"), Cooper Horseshoe Nail Co., Ltd. ("Cooper"), and Emcoclavos S.A. ("Emcoclavos") and acquired a horseshoe nail machine from Sterward Engineering Company, Ltd. ("Sterward"). Cooper and Emcoclavos were direct competitors of Mustad and Sterward was a potential competitor to Mustad. The complaint also alleges that Mustad entered into non-compete agreements with Cooper and Sterward for a period of at least twenty years. The complaint also alleges that Mustad destroyed saleable rolled horseshoe nail machines in order to prevent potential competitors from producing horseshoe nails.

The proposed complaint alleges that the Mustad's acquisitions of Cooper, Emcoclavos and Sterward violated Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; that the Sterward non-compete agreement violates Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and that Mustad, in making its acquisitions of Capewell, Cooper, and Emcoclavos, in destroying machinery, and in entering the non-compete agreements, attempted to monopolize and did monopolize the market for rolled horseshoe nails in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45.

The complaint alleges that rolled horseshoe nails are a relevant line of commerce that differ from other types of nails used by farriers (the people who shoe horses). Rolled horseshoe nails are not reasonably interchangeable with forged nails.

The complaint alleges that Mustad gained a virtual monopoly, nearly a 90% share of sales of rolled horseshoe nails in the world, as a result of its acquisitions of Cooper, Emcoclavos, and

Sterward. Prior to each acquisition, the rolled horseshoe nail market was highly concentrated and concentration increased substantially following each acquisition. The complaint alleges that entry into the production and sale of rolled horseshoe nails would be difficult and time consuming—taking well in excess of two years, entailing significant sunk costs, and requiring technical expertise.

The proposed Order would remedy the alleged violations by replacing the lost competition that has resulted from the acquisitions. The proposed Order would require Mustad to divest either (1) Capewell as an ongoing business, or (2) four fully functioning horseshoe nail machines, one spare nail machine, and grant a perpetual non-exclusive license to technology and know-how. In order to ensure that the acquirer of machinery would be able to quickly begin production at the same level of quality as exists currently, Mustad would be required to provide training and technical assistance to the acquirer for up to one year.

The proposed Order provides that Mustad shall divest Capewell or the machinery no later than May 15, 1996. If Mustad does not complete the required divestiture during the allotted time period, then a trustee may be appointed to divest the machinery within twelve months. The time period for the trustee to complete the divestiture may be extended twice.

The proposed Order requires Mustad to submit a report of compliance with the proposed Order's divestiture requirements within sixty (60) days following the date the proposed Order becomes final, and every sixty (60) days thereafter until Mustad has completed the divestiture.

Finally, the proposed Order prohibits Mustad from acquiring any interest in any other company engaged in, or attempting to engage in, the production or sale of horseshoe nails without giving prior notice to the Commission and observing certain waiting periods for a period of ten years.

The purpose of this analysis is to facilitate public comment on the proposed Order. This analysis is not intended to constitute an official interpretation of the Agreement or the proposed Order or in any way to modify the terms of the Agreement or the proposed Order.

**Benjamin I. Berman,**  
Acting Secretary.

[FR Doc. 95-20142 Filed 8-14-95; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Clinical Laboratory Improvement Advisory Committee (CLIAC) and Subcommittee on Proficiency Testing, Quality Assurance, and Quality Control; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

*Name:* Subcommittee on Proficiency Testing, Quality Assurance, and Quality Control, Clinical Laboratory Improvement Advisory Committee (CLIAC).

*Time and Date:* 8:30 a.m.–12 noon, August 30, 1995.

*Place:* Swissôtel Atlanta, 3391 Peachtree Road, NE, Atlanta, Georgia 30326.

*Status:* Open to the public, limited only by the space available.

*Purpose:* This subcommittee advises CLIAC on issues related to proficiency testing, quality assurance, and quality control.

*Matters to be discussed:* The Subcommittee will discuss quality control requirements for test method verification and appropriate materials for quality control testing.

Agenda items are subject to change as priorities dictate.

*Name:* Clinical Laboratory Improvement Advisory Committee.

*Times and Dates:* 1 p.m.–4:30 p.m., August 30, 1995., 8 a.m.–4 p.m., August 31, 1995.

*Place:* Swissôtel Atlanta, 3391 Peachtree Road, NE, Atlanta Georgia 30326.

*Status:* Open to the public, limited only by the space available.

*Purpose:* This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

*Matters to be discussed:* The agenda will include an update on the implementation of the Clinical Laboratory Improvement Amendments (CLIA), a CDC presentation on CLIA quality control requirements, public presentations on quality control requirements, a discussion of the quality control requirements for the final regulations, and a summary of the meeting of the Subcommittee on Proficiency Testing, Quality Assurance, and Quality Control.

Agenda items are subject to change as priorities dictate.

Written comments on the quality control requirements are welcome. Comments should not exceed five single-spaced, typed pages in length and

should be received by the contact person no later than August 24, 1995.

Anyone wishing to make an oral presentation that would include data pertinent to CLIA quality control requirements should submit their request, in writing, to the contact person by close of business, August 24, 1995. The request should include the name, address, and telephone number of the participant; the approximate time needed; and a brief summary of the topic and data to be presented. Depending on the number of requests, up to 10 minutes will be allowed for each oral presentation.

*Contact Person for addition information:* John C. Ridderhof, Dr. P.H., Division of Laboratory Systems, Public Health Practice Program Office, CDC, 4770 Buford Highway, NE, Mailstop G-25, Atlanta, Georgia 30341-3724, telephone 404/488-7660, FAX 404-488-7663.

Dated: August 9, 1995.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-20104 Filed 8-14-95; 8:45 am]

BILLING CODE 4163-18-M

#### National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Mental Health Statistics and NCVHS Subcommittee on Disability and Long-Term Care Statistics; Meetings

Pursuant to Pub. L. 92-463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following subcommittee meetings.

*Name:* NCVHS Subcommittee on Mental Health Statistics and NCVHS Subcommittee on Disability and Long-Term Care Statistics.

*Time and Date:* 9 a.m.–5 p.m., September 12, 1995.

*Place:* Room 503A-529A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

*Status:* Open.

*Purpose:* The Subcommittee on Mental Health Statistics and the Subcommittee on Disability and Long-Term Care Statistics will meet jointly to consider and discuss presentations on a variety of payment and service models. There will be presentations on the Program of All-inclusive Care for the Elderly (PACE), the second phase of the Social Health Maintenance Organizations, consumer choice plans, and demonstration projects.

*Name:* NCVHS Subcommittee on Mental Health Statistics.

*Time and Date:* 9 a.m.–12 noon, September 13, 1995.

*Place:* Room 503A-529A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

*Status:* Open.

**Purpose:** The Subcommittee on Mental Health Statistics will continue discussion of enrollment and encounter minimum data sets, and receive updates on National Health Interview Survey activities with respect to mental health.

**Contact Person for More Information:** Substantive program information as well as summaries of the meetings and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436-7050.

Dated: August 8, 1995.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-20105 Filed 8-14-95; 8:45 am]

**BILLING CODE 4163-18-M**

### National Center for Environmental Health; Meetings

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) will convene the following meeting cosponsored by the European Commission, the National Institute of Diabetes, Digestive, and Kidney Diseases (NIDDK), the National Institute of Environmental Health Sciences (NIEHS), and the Oregon Health Sciences University Foundation.

**Name:** Urinary Biomarkers to Detect Significant Effects of Environmental and Occupational Exposure to Nephrotoxins.

**Times and Dates:** 8:45 a.m.-5 p.m., September 15, 1995. 9 a.m.-5 p.m., September 16, 1995. 9 a.m.-12:30 p.m., September 17, 1995.

**Place:** Terrace Garden Inn-Buckhead, 3405 Lenox Road, NE, Atlanta, Georgia 30326.

**Status:** Open to the public, limited only by the space available.

**Purpose:** The purpose of the meeting is to recommend a battery of tests for use in epidemiologic studies of environmental/occupational nephrotoxicity; determine the utility and applicability of the individual tests of renal injury; provide guidance for interpretation of information obtained from the tests; and provide direction for future useful markers to detect nephrotoxicity.

**Matters to be discussed:** Agenda items include: a workshop to discuss the latest information on categories of tests for detecting effects of nephrotoxins, interpreting health implications of these tests, nephrotoxins of significant frequency and economic impact, test batteries, monitoring individuals with elevated test patterns, and future research needs. Experts from the United States and Europe will participate in discussions of these issues and provide individual advice and guidance from their respective scientific and clinical experiences.

**Contact person for more information:** Patricia W. Mueller, Ph.D., Chief, Health

Effects Laboratory (F50), Molecular Biology Branch, Division of Environmental Health Laboratory Sciences, NCEH, CDC, 4770 Buford Hwy., NE, Atlanta, Georgia 30341-3724, telephone 404/488-7983.

Dated: August 9, 1995.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95-20106 Filed 8-14-95; 8:45 am]

**BILLING CODE 4163-18-M**

### Food and Drug Administration

[Docket No. 95N-0247]

#### Drug Export; DILAUDID HP-PLUS (Hydromorphone Hydrochloride) 20 Milligram (mg)/Milliliter (mL) Vials and DILAUDID XP (Hydromorphone Hydrochloride) 50mg/mL Vials for Injection

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Knoll Pharmaceutical Co. has filed an application requesting approval for the export of the human drug DILAUDID HP-PLUS (hydromorphone hydrochloride) 20mg/mL Vials and DILAUDID XP (hydromorphone hydrochloride) 50mg/mL Vials for Injection to Canada.

**ADDRESSES:** Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

**FOR FURTHER INFORMATION CONTACT:** James E. Hamilton, Center for Drug Evaluation and Research (HFD-310), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20857, 301-594-3150.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B)

have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Knoll Pharmaceutical Co., 30 North Jefferson Rd., Whippany, NJ 07981, has filed an application requesting approval for the export of the human drug DILAUDID HP-PLUS (hydromorphone hydrochloride) 20mg/mL Vials DILAUDID XP (hydromorphone hydrochloride) 50mg/mL Vials for Injection to Canada. The firm has an NDA for DILAUDID 10mg/mL (250mg/vial). This product is used for the relief of severe pain in patients who require subcutaneously, intravenously, or intramuscularly administered opioids in doses or concentrations higher than those usually needed. The application was received and filed in the Center for Drug Evaluation and Research on June 26, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by August 25, 1995, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: July 25, 1995.

**Betty L. Jones,**

*Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.*

[FR Doc. 95-20187 Filed 8-14-95; 8:45 am]

**BILLING CODE 4160-01-F**

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of

the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

*Name of Panel:* Longitudinal Cohort Studies

*Dates of Meeting:* September 5–6, 1995

*Time of Meeting:* 9:00 a.m.

*Place of Meeting:* National Institutes of Health, Rockledge II Building, Conference Rooms A1 & A2, 6701 Rockledge Drive, Bethesda, Maryland

*Agenda:* The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

*Contact Person:* Teri Manolio, M.D., M.H.S., Rockledge II Building, Rm. 8160, 6701 Rockledge Drive, Bethesda, Maryland 20892, (301) 435–0707

*Name of Panel:* Homocysteinemia and Cardiovascular Diseases

*Dates of Meeting:* September 27, 1995

*Time of Meeting:* 9:30 a.m.

*Place of Meeting:* National Institutes of Health, Rockledge II Building, Conference Room 8119, 6701 Rockledge Drive, Bethesda, Maryland 20892

*Agenda:* The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

*Contact Person:* Lawrence Friedman, M.D., Rockledge II Building, Room 8100, 6701 Rockledge Drive, Bethesda, Maryland 20892, (301) 435–0422

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: August 9, 1995.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 95–20040 Filed 8–14–95; 8:45 am]

**BILLING CODE 4140–01–M**

### **National Heart, Lung, and Blood Institute; Notice of Meeting of the Sleep Disorders Research Advisory Board**

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Sleep Disorders Research Advisory Board, National Center on Sleep Disorders Research, National Heart, Lung, and Blood Institute, September 26–27, 1995. This meeting will be held at the National Institutes of Health, Building 31, Conference Room 10, 9000

Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss recommendations on the implementation and evaluation of the National Center on Sleep Disorders Research programs. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dr. James P. Kiley, Executive Secretary and Director, National Center on Sleep Disorders Research, NHLBI, Two Rockledge Center Suite 7024, 6701 Rockledge Drive MSC 7920, Bethesda, Maryland 20892–7920, (301) 435–0199, will furnish meeting and member information.

(Catalog of Federal Domestic Assistance Program No. 93.838, Lung diseases Research, National Institutes of Health)

Dated: August 8, 1995.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 95–20041 Filed 8–14–95; 8:45 am]

**BILLING CODE 4140–01–M**

### **National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting**

Pursuant to Public Law 92–463, notice is hereby given of meetings of the National Institute on Alcohol Abuse and Alcoholism.

The National Advisory Council on Alcohol Abuse and Alcoholism meeting on September 21 will be open to the public, as noted below, to discuss Institute programs and other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Ida Nestorio at 301–443–4376.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

A summary of the meeting and the roster of committee members may be obtained from: Ms. Ida Nestorio, Office of Scientific Affairs, National Institute on Alcohol Abuse and Alcoholism, Willco Building, Suite 409, 6000 Executive Blvd., Rockville, MD 20892–7003, Telephone: 301–443–4375. Other information pertaining to the meeting can be obtained from the contact person indicated.

*Name of Committee:* National Advisory Council on Alcohol Abuse and Alcoholism

*Executive Secretary:* James F. Vaughan, 6000 Executive Blvd., Suite 409, Bethesda, MD 20892–7003, 301–443–4375

*Dates of Meeting:* September 21, 1995

*Place of Meeting:* Conference Room D, Building 45 (Natcher), NIH Campus, 9000 Rockville Pike, Bethesda, MD 20892

*Open:* September 21, 10:30 a.m. to adjournment

*Agenda:* Discussion of Institute extramural research programs, health services research, and other program and peer review issues relevant to Council activities

*Closed:* September 21, 8 a.m. to 10:30 a.m.

*Agenda:* To review and evaluate grant applications

(Catalog of Federal Domestic Assistance Program No. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.281, Scientist Development Award, Research Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: August 8, 1995.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 95–20042 Filed 8–14–95; 8:45 am]

**BILLING CODE 4140–01–M**

### **National Institute on Drug Abuse; Notice of Meeting**

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Drug Abuse, National Institute on Drug Abuse on September 19–20, 1995.

On September 19, from 9 a.m. to 5 p.m., the meeting will be held at the National Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, Maryland 20892. This portion of the meeting will be open to the public for announcements and reports of

administrative, legislative, and program developments in the drug abuse field. Attendance by the public will be limited to space available.

On September 20, from 9 a.m. to 1 p.m., the meeting will be held at the Parklawn Building, Conference Room E, 5600 Fishers Lane, Rockville, MD 20857. In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, this portion of the meeting will be closed to the public for the review, discussion, and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A summary of the meeting and a roster of committee members may be obtained from Ms. Camilla L. Holland, NIDA Committee Management Officer, National Institutes of Health, Parklawn Building, Room 10-42, 5600 Fishers Lane, Rockville, Maryland 20857 (301/443-2755).

Substantive program information may be obtained from Ms. Eleanor C. Friedenber, Room 10-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301/443-2755).

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact person named above in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Research Scientist Development and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs)

Dated: August 8, 1995.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 95-20043 Filed 8-14-95; 8:45 am]

BILLING CODE 4140-01-M

## National Institutes Of Health

### Prospective Grant of Exclusive License: Immunologic Enhancement With Intermittent Interleukin-2 Therapy

**AGENCY:** National Institutes of Health, Public Health Service, DHHS.

**ACTION:** Notice.

**SUMMARY:** This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health

and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied in U.S. Patent Application SN 08/063,315 (U.S. Patent 5,419,900) entitled "Immunologic Enhancement with Intermittent Interleukin-2 Therapy" and related U.S. and foreign patent applications to Chiron Corporation of Emeryville, CA. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. It is anticipated that this license may be limited to all therapeutic applications including treatment of HIV infection and AIDS. This prospective exclusive license may be granted unless within 60 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The patent application describes the continuous intermittent infusion of interleukin-2, alone or in combination with retroviral therapy, into a patient as a means of enhancing the patient's immune system. The ability of this therapy to stimulate immune function may have advantages in any disease state in which interleukin-2 plays a role in the associated immune response, and may therefore be useful in the treatment of HIV infections and AIDS, as well as for the attendant opportunistic infections that occur in AIDS patients.

**ADDRESSES:** Requests for a copy of this patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Steven M. Ferguson, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852. Telephone: (301) 496-7735; Facsimile: (301) 402-0220; E-mail: Steve—Ferguson@NIH.GOV. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NIH on or before October 16, 1995, will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure

Agreement will be required to receive a copy of the patent application.

Dated: August 2, 1995.

**Barbara M. McGarey,**

*Deputy Director, Office of Technology Transfer.*

[FR Doc. 95-20044 Filed 8-14-95; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Administration

[Docket No. FR-3917-N-16]

### Notice of Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (3) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the

information submission including number of respondents, frequency of response, and hours of response; (7) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 8, 1995.

**David S. Cristy,**

*Director, Information Resources Management Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

*Proposal:* Housing Discrimination Complaint Form (English/Spanish Version).

*Office:* Fair Housing and Equal Opportunity.

*Description of the Need for the Information and its Proposed Use:* Pursuant to Public Law 90-284, any person who believes he/she has been or

is about to be injured by a discriminatory housing practice on the basis of race, color, religion, sex, or national origin may file a complaint with the Secretary of HUD using these forms. HUD needs the information provided for the basis of an investigation of a housing discrimination complaint.

*Form Number:* HUD-903 and 903A.

*Respondents:* Individual or Households, Business or other For-Profit, Not-For-Profit Institutions, and State, Local, or Tribal Government.

*Reporting Burden:*

|                        | Number of<br>respondents | × | Frequency<br>of response | × | Hours per<br>response | = | Burden<br>hours |
|------------------------|--------------------------|---|--------------------------|---|-----------------------|---|-----------------|
| HUD-903 and 903A ..... | 9,300                    |   | 1                        |   | 1                     |   | 9,300           |

*Total Estimated Burden Hours:* 9,300.

*Status:* Extension, no changes.

*Contact:* Goldia D. Hodgdon, (202) 619-8041, Joseph F. Lackey, Jr., OMB, (202) 395-7316.

Dated: August 8, 1995.

[FR Doc. 95-20090 Filed 8-14-95; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-030-1220-00; Closure Notice No. NV-030-95-06]

#### Temporary Closure of Certain Public Lands in the Carson City District for Management of the 1995 Running of the V.O.R.R.A. "Yerington to Fallon and Back" Off-Highway Vehicle (OHV) Race

**AGENCY:** Bureau of Land Management, Nevada.

**ACTION:** Temporary closure of certain public lands in Churchill County and Lyon County, Nevada, on and adjacent to the 1995 "Yerington to Fallon and Back" race course on September 3, 1995. Access will be limited to race officials, entrants, law enforcement and emergency personnel, BLM personnel monitoring the event, licensed permittee(s) and right-of-way grantees.

**SUMMARY:** The Carson City District Manager announces the temporary closure of selected public lands under his administration. This action is being taken to provide for public safety during the official running of the 1995 "Yerington to Fallon and Back" OHV Race.

**EFFECTIVE DATE:** September 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Fran Hull or Terry Knight, Outdoor Recreation Planners, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706-0638. Telephone (702) 885-6100.

**SUPPLEMENTARY INFORMATION:** Certain public lands in the Carson City District, Churchill County and Lyon County, Nevada, will be temporarily closed to public access on September 3, 1995, to protect persons, property, and public land resources on and adjacent to the 1994 "Yerington to Fallon and Back" OHV race, permit number NV-03-4-011. Specific restrictions and closure information are as follows:

1. The public lands to be closed or restricted are those lands adjacent to and including roads, trails and washes identified as the 1995 "Yerington to Fallon and Back" OHV race course. These lands are within T.13N., R.25E.; T.13N., R.24E.; T.14N., R.24E.; T.15N., R.24E.; T.16N., R.24E.; T.16N., R.25E.; T.16N., R.26E.; T.16N., R.27E.; T.16N., R.28E.; T.16N., R.29E.; T.16N., R.30E.; T.16N., R.31E.; T.17N., R.26E.; T.17N., R.30E.; T.17N., R.31E.; and T.18N., R.30E. M.D.M. A map of the race course may be obtained from Fran Hull or Terry Knight at the contact address. The event permittee is required to mark and monitor the race course during this closure period.

2. From 6:00 A.M. to 11:59 P.M., Sunday, September 3, 1995, the race course and those public lands 300 feet to either side of the course are closed to the public, except for designated check points and spectator areas.

3. Areas from which spectators may view the event are confined to the start/finish area in Section 21, T.13N., R.25E., the restart area in Section 32, T.18N., R.30E, M.D.M. and check points 1, 2, 3,

4, 5 and 6, identified on the map of the race course. All public spectator vehicles operating within these designated areas shall maintain a maximum speed of 10 MPH. Spectators shall remain in safe locations as directed by event officials or BLM personnel.

The above restrictions do not apply to race officials, law enforcement and emergency personnel, or BLM personnel monitoring the event.

Authority for closure of public lands is found in 43 CFR 8341, 43 CFR 8364 and 43 CFR 8372. Any person who fails to comply with this closure order may be subject to the penalties provided in 43 CFR 8360.7

Dated: August 4, 1995.

**John O. Singlaub,**

*District Manager.*

[FR Doc. 95-20135 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-HC-M

### Bureau of Land Management

[UT-920-05-1310-01]

#### Oil and Gas Leases; Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of adoption/notice of availability of Record of Decision.

**SUMMARY:** This notice is to advise the public that the Bureau of Land Management (BLM) Plans to adopt the Final Environmental Impact Statement for Oil and Gas Leasing in the North Slope Area of the Wasatch-Cache and Ashley National Forests and of the availability of the BLM's Record of Decision (ROD).

**DATES:** The public will have until September 14, 1995 to appeal this

decision in accordance with the instructions provided in this Notice.

**SUPPLEMENTARY INFORMATION:** In accordance with section 102 of the National Environmental Policy Act of 1969 (NEPA), a Final Environmental Impact Statement (FEIS) for Oil and Gas Leasing within the North Slope Area of the Wasatch-Cache and Ashley National Forests has been prepared by the U. S. Forest Service (USFS) and the Bureau of Land Management. National and local agreements between the two agencies identified the USFS as lead agency for preparing the analysis with BLM participating as a cooperating agency as described in 40 CFR 1501.6.

The FEIS addresses the potential impacts of leasing on lands within the Wasatch-Cache and adjacent Ashley National Forests determined to have high potential for the occurrence of oil and gas and identifies which areas are available for leasing and any stipulations that will be attached to leases. The two Forest Plans have been amended to be consistent with the decisions reached in this FEIS.

The Mineral Leasing Act of 1920, as amended, provides the Secretary of the Interior the authority to issue oil and gas leases on lands where oil and gas rights are held by the Federal Government. This authority has been delegated to the BLM. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 requires the BLM to obtain the consent of the Secretary of Agriculture before issuing leases on National Forest System Lands. Authority to consent has been delegated to Forest Supervisors. The North Slope Leasing FEIS identifies those lands that will be made available to BLM for leasing and site specific stipulations that will be attached to leases.

In accordance with 40 CFR 1506.3(c), BLM is adopting the FEIS for the purpose of issuing oil and gas leases within the North Slope area of the Wasatch-Cache and Ashley National Forests. BLM actively participated in the preparation of the Draft and Final EISs and independently reviewed each document. Department of the Interior as well as Public comments and concerns have been satisfactorily addressed in the FEIS. The FEIS complies with NEPA and meets the requirements of the regulations for implementing the Federal Land Policy and Management Act of 1976 (43 CFR part 1600). BLM's preferred alternative is Alternative P as described in the FEIS which is also the preferred alternative of the USFS.

Copies of the FEIS are available from the Wasatch-Cache National Forest, 8230 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, and

the Ashley National Forest, 355 North Vernal Avenue, Vernal, Utah 84078. Public reading copies are available at the following BLM locations: Utah State Office, 324 South State Street, Salt Lake City, Utah 84111. Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming 82902.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR part 4. The Appellant has the burden of showing the decision appealed from is in error. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**FOR FURTHER INFORMATION CONTACT:**

James Fouts, Bureau of Land Management, Utah State Office, P. O. Box 45155, Salt Lake City, Utah 84145-0155 or Teri Deakins, Rock Springs District Office, P. O. Box 1869, Rock Springs, Wyoming 82902-1869.

**Mat Millenbach,**  
*Utah State Director.*

**Alan R. Pierson,**  
*Wyoming State Director.*

[FR Doc. 95-20039 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-DQ-P**

[AZ-055-05-1820-01; AZA-28649]

**Arizona: Notice of Realty Action; Lease/Conveyance of Public Lands for Recreation and Public Purposes in Yuma County, AZ**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Classification of public lands for recreation and public purposes lease/conveyance.

**SUMMARY:** The following described public land in Yuma County, Arizona, has been examined and found suitable for classification for lease or conveyance for public purposes under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). The Yuma County Board of Supervisors proposes to use the land for public purposes on which to locate a Consolidated County Office Complex.

**Gila and Salt River Meridian, Arizona**

T. 9 S., R. 22 W.,  
Sec. 17, NE<sup>1</sup>/<sub>4</sub>,  
containing 160.00 acres, more or less.

**SUPPLEMENTARY INFORMATION:** The land is not required for any Federal purposes. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent when issued would be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

4. A 50-foot wide right-of-way for a Bureau of Reclamation canal across the north boundary.

5. A 33-foot wide road right-of-way for Yuma County along the north and east boundaries.

**DATES:** Upon publication of this notice in the **Federal Register** the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments regarding the proposed classification for lease/conveyance of the lands to the District Manager, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the Bureau of Land Management followed proper administrative procedures in reaching the decision related to the suitability of the land for public purposes.

**EFFECTIVE DATE:** Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

**FOR FURTHER INFORMATION CONTACT:**

Realty Specialist Pete Gonzales, Yuma Resource Area Office, 3150 Winsor Avenue, Yuma, Arizona 85365, telephone (520) 726-6300.



Dated: August 4, 1995.

**Judith I. Reed,**

*District Manager.*

[FR Doc. 95-20146 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-32-M

[AZ-054-05-1430-00; AZA 28721]

**Notice of Realty Action, Recreation and Public Purposes (R&PP) Act Classification, Arizona**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice

**SUMMARY:** The following public lands in La Paz County, Arizona have been examined and found suitable for classification for lease or conveyance to Arizona State Parks Board under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Arizona State Parks Board proposes to use the lands as part of Alamo State Park.

**Gila and Salt River Meridian, Arizona**

T. 10 N., R. 12 W.,

Sec. 6, lots 3-6, 11-14, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;

T. 10 N., R. 13 W.,

Sec. 1, lots 1-3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 11, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

T. 11 N., R. 13 W.,

Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Containing 1077.70 acres, more or less.

The lands are not needed for Federal purposes. Lease or Conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations;

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Yuma District, Havasu Resource Area, 3189 Sweetwater

Avenue, Lake Havasu City, Arizona. Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

**DATES:** On or before September 29, 1995, interested persons may submit comments regarding the proposed lease or conveyance of the lands to the Area Manager, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, AZ 86406.

**CLASSIFICATION COMMENTS:** Interested parties may submit comments involving the suitability of the lands for a State Park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

**APPLICATION COMMENTS:** Interested parties may submit comments regarding the specific use proposed in the application, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for a state park.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publications of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Janice Easley, Land Law Examiner, Bureau of Land Management, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86406. Detailed information concerning this action is also available for review.

Dated: August 7, 1995.

**William J. Liebhauser,**

*Acting Area Manager.*

[FR Doc. 95-20145 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-32-P

[OR 51890; OR-080-05-1430-01: G5-193]

**Realty Action; Proposed Modified Competitive Sale**

August 7, 1995.

This Notice of Realty Action replaces and supercedes those notices published in the May 12 and June 29, 1995, editions of the **Federal Register** (60 FR 25730 and 60 FR 33843, respectively).

The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by modified competitive sale under the authority of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2750; 43 U.S.C. 1713 and 90 Stat. 2757; 43 U.S.C. 1719), at not less than the appraised fair market value of \$57,100.00:

**Willamette Meridian, Oregon**

T. 4 S., R. 4 E.,

Sec. 11, Lot. 3

The above-described parcel contains 2.44 acres in Clackamas County.

The parcel will not be offered for sale until at least 60 days after publication of this notice in the **Federal Register**.

The above-described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above-cited statute, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

The parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency. No significant resource values will be affected by this transfer. The sale is consistent with the Salem District Resource Management Plan and the public interest will be served by offering this parcel for sale.

**Modified Bidding Procedures**

Modified bidding procedures are being used to recognize Clackamas County land use plans and zoning. Preference to meet the high bid is authorized under 43 CFR 2711.3-2. The parcel is being offered to any qualified bidder subject to the following designated bidders to meet the high bid: Douglas W. and Lisa W. Smith (fee owners of Tax Lot 1303, Map 4 4E 10) and Richard D. Mott (fee owner of Tax Lot 1701, Map 4 4E 10).

Bidders must be United States citizens and 18 years of age or older. Sealed written bids, delivered or mailed, must be received by the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, prior to 11:00 a.m. on Wednesday, October 25, 1995. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to USDI—Bureau of Land Management for not less than 10 percent of the amount bid. The sealed bid envelopes must be clearly marked in the lower left hand corner, "Bid for Public Land Sale OR 51890".

The written sealed bids will be opened and an apparent high bid will be declared at the sale. The designated bidders will be notified through certified mail that they have 30 days to meet the high bid. Failure to meet the high bid within the 30-day period following the sale, shall constitute a waiver of their preference rights. The balance of the purchase price shall be paid within 180 days of the sale date.

The terms, conditions, and reservations applicable to the sale are as follows:

1. The mineral interests being offered for conveyance have no known mineral value. A bid submitted will also constitute an application for conveyance of the mineral estate, in accordance with Section 209 of the Federal Land Policy and Management Act. All qualified bidders must include with their bid a nonrefundable \$50.00 filing fee for the conveyance of the mineral estate.

2. The bargain and sale deed will subject to:

a. Rights-of-way for ditches or canals will be reserved to the United States under 43 U.S.C. 945; and

b. All valid existing rights and reservations of record.

Detailed information concerning the sale is available for review at the Salem District Office, address above.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Cascades Area Manager, Salem District Office, address above. Any adverse comments will be reviewed by the Salem District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

**Robert B. Hershey,**

*Acting Cascades Area Manager.*

[FR Doc. 95-20148 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-33-M

## Fish and Wildlife Service

### Great Lakes Panel on Aquatic Nuisance Species Meeting

**AGENCY:** Department of the Interior, Fish and Wildlife Service.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Great Lakes Panel on Aquatic Nuisance Species, a regional committee of the Aquatic Nuisance Species Task Force. A number of subjects will be discussed including: United States and Canadian funding for Aquatic Nuisance Species programs;

presentation of a model state aquatic nuisance species management plan; reauthorization of the Nonindigenous Aquatic Nuisance Prevention and Control Act; and, a report on Panel committee initiatives-workplan.

**DATES:** The Great Lakes Panel will meet from 1:00 p.m. to 5:00 p.m. on Thursday, September 21, and 8:30 a.m. to 12:00 p.m. on Friday, September 22, 1995.

**ADDRESSES:** The meeting will be held at the Duluth Entertainment Convention Center, 350 Harbor Drive, Duluth, Minnesota 55802. The telephone number is (800) 628-8385.

**FOR FURTHER INFORMATION CONTACT:** Lori Reynolds, Great Lakes Commission, The Argus II Building, 400 Fourth Street, Ann Arbor, Michigan 48103-4816, at (313) 665-9135.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Great Lakes Panel on Aquatic Nuisance Species, a regional committee of the Aquatic Nuisance Species Task Force established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of the meeting will be maintained by Coordinator, Aquatic Nuisance Species Task Force, Room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Great Lakes Panel Coordinator, Great Lakes Commission, The Argus Building, 400 Fourth Street, Ann Arbor, Michigan 48103-4816, and will be available for public inspection during regular business hours, Monday through Friday, within 30 days following the meeting.

Dated: August 9, 1995.

**W.E. Knapp,**

*Acting Assistant Director—Fisheries; Co-Chair, Aquatic Nuisance Species Task Force.*

[FR Doc. 95-20173 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-55-M

## United States Geological Survey

### Notice

**SUMMARY:** Notice is hereby given that the United States Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Corbis Publishing, a small, privately-owned, digital archiving company. The purpose of the CRADA is to collaborate with Corbis Corporation to produce a consumer CD-ROM software title on a variety of geological topics. Any other

software companies or organizations interested in pursuing the possibility of a CRADA for similar activities should contact the U.S. Geological Survey no later than 30 days from the publication of this notice.

**ADDRESSES:** Information on the proposed CRADA is available to the public upon request at the following location: U.S. Geological Survey, Branch of Volcanic and Geothermal Processes, MS-910, 345 Middlefield Road, Menlo Park, California 94025-3591.

### FOR FURTHER INFORMATION CONTACT:

Jacob B. Lowenstern of the U.S. Geological Survey, Branch of Volcanic and Geothermal Processes, at the address given above; telephone (415) 329-5238; FAX (415) 329-5203; email jlwstrn@mojave.wr.usgs.gov.

**P. Patrick Leahy,**

*Chief Geologist.*

[FR Doc. 95-20079 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-31-M

## Minerals Management Service

### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The collection of information listed below has been submitted to the Office of Management and Budget (OMB) for reapproval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the Information Collection requirements and related explanatory material may be obtained by contacting Dennis Jones at 303-231-3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance officer at the telephone number listed below and to the OMB, Paperwork Reduction Project (1010-0061), Washington, DC 20503, telephone 202-395-7340.

**Title:** Oil Transportation Allowances.

**OMB Approval Number:** 1010-0061.

**Abstract:** The Government collects royalties resulting from the sale of Federal and Indian oil. In some cases an allowance is granted to compensate lessees for the reasonable costs of transporting the royalty portion of the oil to a delivery point remote from the lease. Transportation allowances are taken as a deduction from royalty. The allowance determination procedure is essential to ensure that the public and the Indians receive the full royalty payment to which they are entitled, and that lessees are correctly compensated for allowable transportation costs. Failure to collect the data described in this information collection could make

it impossible to ensure that royalty rates computed and paid are appropriate.

*Bureau Form Number:* MMS-4110.

*Frequency:* On occasion, annually, or when circumstances change.

*Description of Respondents:* Oil companies.

*Estimated Completion Time:* Average, 3.5 hours.

*Annual Responses:* 1,200.

*Annual Burden Hours:* 4,400.

*Bureau Clearance Officer:* Arthur Quintana 703-787-1101.

Dated: July 7, 1995.

**James W. Shaw,**

*Associate Director for Royalty Management.*

[FR Doc. 95-20074 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

### **Information Collection Submitted to the Office of Management and Budget (OMB) for Review under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggested on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0034); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* Notice of Processing of Geological and Geophysical Information and Data, 30 CFR 251.11 and 250.12.

*OMB Approval Number:* 1010-0034.

*Abstract:* Respondents conducting exploration for oil or gas in the Federal Outer Continental Shelf (OCS) provide the Minerals Management Service (MMS) with the following information:

- Geological and Geophysical Information and Data
- Processed and Analyzed Information and Data
- Interpretations of Geological and Geophysical Information Data

The MMS uses the information and data to properly evaluate OCS resources and environmental conditions as required by the OCS Lands Act.

*Bureau Form Number:* None.

*Frequency:* On occasion.

*Description of Respondents:* Federal OCS permittees.

*Annual Burden Hours:* 1,000 hours.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 6, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20063 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

### **Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of informations and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Officer of Management and Budget; Paperwork Reduction Project (1010-0048); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* Applying for Notices or Permits, 30 CFR 251.5.

*OMB Approval Number:* 1010-0048.

*Abstract:* Respondents provide the Minerals Management Service (MMS) with a status report that enables MMS to verify that permit requirements are met, estimate completion dates, and determine the quality of data acquired by persons operating under a permit for geological and geophysical exploration for mineral resources and scientific research in the Outer Continental Shelf (OCS).

*Bureau Form Number:* Form MMS-327.

*Frequency:* On occasion.

*Description of Respondents:* Federal OCS permittees.

*Annual Burden Hours:* 1,530.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 19, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20064 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

### **Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0049); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* 30 CFR Part 250, Subpart B, Exploration and Development and Production Plans.

*OMB Approval Number:* 1010-0049.

*Abstract:* This information will be used by the Minerals Management Service to determine if activities covered in exploration, development and production plans, and environmental reports are carried out in a safe and environmentally acceptable manner.

*Bureau Form Number:* None.

*Frequency:* On occasion.

*Description of Respondents:* Federal Outer Continental Shelf oil and gas lessees.

*Annual Burden Hours:* 171,680.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 19, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20065 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

### **Information Collection Submitted to the Office of Management and Budget (OMB) for Review under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Office at the telephone

number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0036); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street, Herndon, Virginia 22070-4817.

*Title:* Inspection and Reporting of Progress and Results of Activities Conducted Under Permits, 30 CFR 251.7  
*OMB Approval Number:* 1010-0036.

*Abstract:* Respondents provide the Minerals Management Service (MMS) with a status report that enables MMS to verify that permit requirements are met, estimate completion dates, and determine the quality of data acquired by persons operating under a permit for geological and geophysical exploration for mineral resources and scientific research in the Outer Continental Shelf (OCS).

*Bureau Form Number:* Forms MMS-328 and MMS-329.

*Frequency:* Monthly and other.

*Description of Respondents:* Federal OCS permittees.

*Annual Burden Hours:* 6,400.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

July 19, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20068 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0043); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street, Herndon, Virginia 22070-4817.

*Title:* 30 CFR Part 350, Subpart F, Well-Workover Operations.

*OMB Approval Number:* 1010-0043.

*Abstract:* This information will be used by the District Supervisors to evaluate and approve or disapprove the adequacy of equipment and/or procedures to be used during the conduct of well-workover operations.

*Bureau Form Number:* None.

*Frequency:* On occasion.

*Description of Respondents:* Federal Outer Continental Shelf oil, gas, and sulphur lessees.

*Recordkeeping Hours:* 430.

*Annual Burden Hours:* 15.

*Bureau Clearance Officer:* Arthur Quintana (703) 787-1239.

Dated: July 12, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20069 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0086); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street, Herndon, Virginia 22070-4817.

*Title:* 30 CFR Part 250, Subpart P, Sulphur Operations.

*OMB Approval Number:* 1010-0086.

*Abstract:* This information is needed to ascertain the conditions of a drilling site. This is necessary to mitigate the hazards inherent in drilling operations and to increase the margin of safety of personnel and the environment.

*Bureau Form Number:* None.

*Frequency:* On occasion.

*Description of Respondents:* Lessees of Outer Continental Shelf Sulphur Leases.

*Recordkeeping Hours:* 331.

*Annual Burden Hours:* 116.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 12, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20070 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0059); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street, Herndon, Virginia 22070-4817.

*Title:* 30 CFR Part 250, Subpart H, Production Safety Systems.

*OMB Approval Number:* 1010-0059.

*Abstract:* This information will be used by the District Supervisors to evaluate equipment and/or procedures that lessees propose to use during production operations. The recordkeeping requirements provide the means for the Minerals Management Service inspectors to verify compliance with the minimum safety requirements prescribed in Subpart H.

*Bureau Form Number:* None.

*Frequency:* On occasion.

*Description of Respondents:* Federal Outer Continental Shelf oil, gas, and sulphur lessees.

*Recordkeeping Hours:* 2,450.

*Annual Burden Hours:* 1,350.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 21, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20071 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0058); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* 30 CFR Part 250, Subpart I, Platforms and Structures.

*OMB Approval Number:* 1010-0058.

*Abstract:* Respondents submit this information to the Minerals Management Service's regional offices so they can determine the structural integrity of offshore structures and ensure that such integrity will be maintained throughout the useful life of the structures.

*Bureau Form Number:* None.

*Frequency:* Varies.

*Description of Respondents:* Federal Outer Continental Shelf oil and gas lessees.

*Annual Recordkeeping Hours:* 1,000.

*Annual Burden Hours:* 13,324 (rounded).

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 21, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20072 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for reapproval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained

by contacting Dennis Jones at 303-231-3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below, and to the OMB Paperwork Reduction Project (1010-0063), Washington, DC 20503, telephone 202-395-7340.

*Title:* Production Accounting and Auditing System Reports on Solid Minerals.

*OMB Approval Number:* 1010-0063.

*Abstract:* Production Accounting and Auditing System information is needed to provided comprehensive production and disposition data on solid minerals produced from Federal and Indian leases. The data collected from lease and mine operators will be used to monitor production and check reported disposition against royalties. The monitoring function will enable MMS to verify that proper royalties are being received for solid minerals produced from Federal and Indian land.

*Bureau Form Numbers:* MMS-4050, MMS-4051-S, MMS-4059 A and B, MMS-4060 A and B.

*Frequency:* Intermittently, monthly, quarterly.

*Description of Respondents:*

Companies producing and processing solid minerals from Federal and Indian leases.

*Estimated Completion Time:* .5 to 1.5 hours.

*Annual Responses:* 4,017.

*Annual Burden Hours:* 3,425.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1101.

Dated: July 10, 1995.

**James W. Shaw,**

*Associate Director for Royalty Management.*

[FR Doc. 95-20073 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0017); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and

Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* Semiannual Well Test Report, Form MMS-128.

*OMB Approval Number:* 1010-0017.

*Abstract:* Respondents submit Form MMS-128 to the Minerals Management Service's (MMS) Regional Supervisors so they can evaluate the results of well tests to ascertain if reservoirs are being depleted in a manner that will lead to the greatest ultimate recovery of hydrocarbons. The form is designed to present current well data on a semiannual basis to permit the updating of permissible producing rates and provide the basis for estimates of currently remaining recoverable gas reserves.

*Bureau Form Number:* Form MMS-128.

*Frequency:* Semiannual.

*Description of Respondents:* Outer Continental Shelf oil and gas lessees.

*Annual Burden Hours:* 3,080.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 28, 1995.

**E.P. Danenberger,**

*Acting Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20067 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

### Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0051); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* Oil and Gas Production Measurement, Surface Commingling, and Security, Subpart L, 30 CFR Part 250.

*OMB Approval Number:* 1010-0051.

*Abstract:* Respondents submit this information to the Minerals Management Service's District Supervisors so they can evaluate the equipment and/or procedures and approve or disapprove the equipment and/or procedures for use during offshore production measurement and commingling operations.

*Bureau Form Number:* None.

*Frequency:* Varied.

*Description of Respondents:* Federal Outer Continental Shelf oil and gas lessees.

*Recordkeeping Hours:* 2,255.

*Annual Burden Hours:* 4,650 (rounded).

*Bureau Clearance Officer:* Arthur Quintana; (703) 787-1239.

Dated: July 28, 1995.

**E. P. Danenberger,**

*Acting Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20066 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

#### **Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related form and explanatory material may be obtained by contacting Dennis C. Jones at (303) 231-3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below, and to the OMB Paperwork Reduction Project, Washington, DC 20503, telephone (202) 395-7340.

*Title:* Proposed Form MMS-4393—Requests to Exceed Regulatory Allowance Limitation.

*Abstract:* The Minerals Management Service (MMS) Royalty Management Program is proposing a new form to be used by royalty payors on Federal or Indian mineral leases when requesting MMS approval to exceed established transportation or processing allowance limits. The Form will be included with the payor's request to exceed allowance limits in order to ensure that MMS receives the lease data required to make a decision on the request.

*Bureau Form Number:* MMS-4393.

*Frequency:* Annually.

*Description of Respondents:* Oil and gas companies.

*Estimated Completion Time:* Average of one-half hour.

*Annual Responses:* 50.

*Annual Burden Hours:* 25.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1101.

Dated: July 12, 1995.

**James W. Shaw,**

*Associate Director for Royalty Management.*

[FR Doc. 95-20060 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-M**

#### **Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related explanatory material may be obtained by contacting Dennis C. Jones at 303-231-3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below, and to the OMB Paperwork Reduction Project (1010-0074), Washington, DC 20503, telephone 202-395-7340.

*Title:* Coal Washing and Transportation Allowances.

*OMB Approval Number:* 1010-0074.

*Abstract:* The Government collects royalties resulting from the sale of Federal and Indian coal. Coal sales contracts are required to be submitted upon request by MMS to ensure that the Federal or Indian lessor receives royalties that are based on product values representing fair market value. In some cases an allowance may be granted from royalties to compensate the lessee for the reasonable actual costs of washing the royalty portion of the coal. An allowance may also be granted for transporting the royalty portion of coal to a sales point not on the lease or in the mine area. Failure to collect the data described in this information collection could result in the undervaluation of coal and render it impossible to ensure that the public and/or the Indians receive payment on the full value of the minerals being removed.

*Bureau Form Numbers:* MMS-4292 and MMS-4293.

*Frequency:* Annually, or whenever a contract terminates, or circumstances otherwise cause changes.

*Description of Respondents:* Solid minerals mining companies.

*Annual Responses:* 44.

*Annual Burden Hours:* 498.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1101.

Dated: July 12, 1995.

**James W. Shaw,**

*Associate Director for Royalty Management.*

[FR Doc. 95-20061 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-MR-P**

#### **Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010-0031); Washington, DC 20503, telephone (202) 395-7340, with copies to Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

*Title:* Reimbursement to Permittees for Certain Geological and Geophysical Information and Data, 30 CFR 251.13.

*OMB approval number:* 1010-0031.

*Abstract:* Section 26 of the Outer Continental Shelf (OCS) Lands Act requires that certain costs be reimbursed to the parties submitting required geological and geophysical (G&G) information and data requested by the Minerals Management Service (MMS). Under the law, permittees can be reimbursed for the costs of reproducing any G&G data required to be submitted. In order for the Government to determine the propriety and level of reimbursement, permittees are required to send a request for reimbursement to the Director, MMS, where it will be reviewed and evaluated. Reimbursement will be made according to appropriate criteria.

*Bureau form number:* None.

*Frequency:* On occasion.

*Description of respondents:* Federal OCS oil and gas permittees.

*Annual burden hours:* 1,500.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: July 6, 1995.

**Henry G. Bartholomew,**

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 95-20062 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### California National Historic Trail/Pony Express National Historic Trail General Management Plan/Environmental Impact Statement, California and Pony Express National Historic Trails, Iowa, Nebraska, Missouri, Kansas, Colorado, Wyoming, Utah, Nevada, California, Oregon

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of intent to prepare an environmental impact statement for the California and Pony Express National Historic Trails General Management Plan/Environmental Impact Statements, California and Pony Express National Historic Trails.

**SUMMARY:** Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for the California and Pony Express National Historic Trails General Management Plan/Environmental Impact Statement for California and Pony Express National Historic Trails.

The effort will result in a comprehensive general management plan that encompasses preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities. In cooperation with the U.S. Fish and Wildlife Service, U.S.D.A. Forest Service, Bureau of Land Management, and the sovereign Native American Tribes with lands adjacent to the trails, attention will also be given to resources adjacent to the trails that affect the integrity of the California and Pony Express National Historic Trails. Alternatives to be considered include no-action and a range of alternatives from which the preferred alternative will be selected.

Major issues include cooperative agreements with land management agencies and private land owners for visitor use and trail preservation; identification of historic sites and trail segments; development of a consistent management strategy for the trails, which can be easily implemented by land owners and land management agencies.

A scoping brochure has been prepared that details the issues identified to date. Copies of that information can be

obtained from the Denver Service Center (TCE), Attn: Patrick O'Brien, P.O. Box 25287, Denver, Colorado 80225-0287; (303) 969-2458.

**FOR FURTHER INFORMATION CONTACT:** Jere Krakow, Trail Program Manager, Long Distance Trails Program Office at (801) 539-4094.

Dated: June 22, 1995.

**Ronald E. Everhart,**

*Acting Field Director, Intermountain Area.*

[FR Doc. 95-20159 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-70-M

### Chesapeake and Ohio Canal National Historical Park Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting will be held at the Cliffside Inn in Harpers Ferry, West Virginia, on September 9, 1995, at 1:00 p.m.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weindenfeld, Chairman, Washington, D.C.  
Ms. Diane C. Ellis, Brunswick, Maryland  
Brother James J. Kirkpatrick, F.S.C., Cumberland, Maryland  
Ms. Anne L. Gormer, Cumberland, Maryland  
Ms. Elise B. Heinz, Arlington, Virginia  
Mr. George M. Wykoff, Jr., Cumberland, Maryland  
Mr. Rockwood H. Foster, Washington, D.C.  
Mr. Barry A. Passett, Washington, D.C.  
Mrs. Jo Reynolds, Potomac, Maryland  
Ms. Nancy C. Long, Glen Echo, Maryland  
Ms. Mary E. Woodward, Shepherdstown, West Virginia  
Dr. James H. Gilford, Frederick, Maryland  
Mr. Edward K. Miller, Hagerstown, Maryland  
Mrs. Sue Ann Sullivan, Williamsport, Maryland  
Mr. Terry W. Hepburn, Hancock, Maryland  
Mr. Laidley E. McCoy, Charleston, West Virginia  
Ms. Jo Ann M. Spevacek, Burke, Virginia  
Mr. Charles J. Weir, Falls Church, Virginia  
Ms. Ferial S. Bishop, Washington, D.C.

Agenda items for this meeting include the park's historic leasing program, planning for Fort Duncan area, and fundraising for the Monocacy Aqueduct.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements, may contact the Superintendent, C&O

Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: August 9, 1995.

**Richard E. Powers,**

*Field Director, National Capital Area.*

[FR Doc. 95-20158 Filed 8-14-95; 8:45 am]

BILLING CODE 4310-70-M

### Chesapeake and Ohio Canal National Historical Park

Notice is hereby given that the Canal Place Preservation and Development Authority and the National Park Service will conduct a public hearing on Thursday, August 31, 1995, at 7 p.m. in council chambers at Cumberland City Hall, 57 N. Liberty Street, Cumberland, Maryland. The purpose of the hearing will be for soliciting public comment on the Canal Place Preservation District Management Plan. The National Park Service is a partner in the preparation of this plan and will use the document as its official plan for the terminus area of the C&O Canal National Historical Park.

Representatives from the consulting firm of Wallace Roberts and Todd will make the final presentation and, along with Authority members, will be available to answer questions and receive comments.

The Management Plan specifies the goals and objectives for preservation, development, and management of the Canal Place Preservation District. In addition, the Plan: (1) Provides an inventory of cultural, historic, and natural resources; (2) identifies the types of public and private uses to be accommodated; (3) describes the educational, interpretive, and recreational programs and projects; (4) describes plans for encouraging tourism and economic development; (5) provides an economic assessment of costs, benefits, and funding sources related to implementation; (6) describes the means for the long term preservation and protection of cultural, historic, and natural resources; (7) describes the organizational structure for planning, development, and management; (8) provides a schedule for the planning, development, and management of the Preservation District; and (9) identifies specific programs and projects to be undertaken by the C&O Canal National Historical Park.

Inquiries regarding this hearing may be directed to the Canal Place Authority, 301-759-6418, TTY/TDD 1-800-735-

2258, or Superintendent, C&O Canal National Historical Park, 301-739-4200.

Dated: August 9, 1995.

**Richard E. Powers,**

*Field Director, National Capital Area.*

[FR Doc. 95-20160 Filed 8-14-95; 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 August 5, 1995. Pursuant to section 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, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by August 30, 1995.

**Carol D. Shull,**

*Keeper of the National Register.*

### **ALABAMA**

#### **Jefferson County**

Thomas By—Product Coke Works Historic District, Roughly bounded by RR Tracks and the sand and gravel quarry, Birmingham, 95001060

### **COLORADO**

#### **Denver County**

Ogden Theatre, 935 E. Colfax Ave., Denver, 95001055

### **FLORIDA**

#### **Palm Beach County**

El Cid Historic District, Roughly bounded by Flamingo Dr., S. Flagler Dr., Dyer Rd. and S. Dixie Hwy., West Palm Beach, 95001064

### **IDAHO**

#### **Bonner County**

Priest River Commercial Core Historic District, Roughly bounded by Wisconsin, Montgomery, and Cedar Sts. and Albeni Rd., Priest River, 95001057

#### **Latah County**

Cordelia Lutheran Church, S. of the jct. of Genesee-Troy and Danielson Rds., Moscow vicinity, 95001058

#### **Twin Falls County**

Twin Falls Milling and Elevator Company Warehouse, 516 Second St. S., Twin Falls, 95001059

### **ILLINOIS**

#### **Cook County**

Hotel St. Benedict Flats, 40, 42, 50 E. Chicago Ave., 801 N. Wabash Ave., Chicago, 88003311

### **KANSAS**

#### **Dickinson County**

Smith, D. G., Building, 217 W. First St., Abilene, 95001053

#### **Riley County**

Seven Dolors Catholic Church, NE of the jct. of Juliette and Pierre Sts., Manhattan, 95001054

### **MONTANA**

#### **Lincoln County**

Farmers and Merchants State Bank, 223 Dewey Ave., Eureka, 95001062

### **NEW HAMPSHIRE**

#### **Hillsborough County**

North Weare Schoolhouse, Old Concord Stage Rd., N side, E of the jct. with NH 114, Weare, 95001051

#### **Merrimack County**

Tuttle, Donald D., House, 257 Pleasant St., Concord, 95001052

### **NORTH CAROLINA**

#### **Buncombe County**

McCracken, Dr. Cireo McAfee, House, 1384 Charlotte Hwy., Fairview, 95001066

#### **Chowan County**

Hicks Field, Jct. of Freemason and Woodard Sts., NE corner Edenton, 95001050

#### **Henderson County**

Kanuga Lake Historic District, Roughly, area surrounding Kanuga Lake, Hendersonville vicinity, 95001056

#### **Robeson County**

Pembroke High School, Former, E of the jct. of Hwy. 711 and NC 1561, Pembroke, 95001071

#### **Wayne County**

Barnes—Hooks Farm, 414 Stuckey Rd., Fremont vicinity, 95001072

### **OHIO**

#### **Cuyahoga County**

First Methodist Church (Upper Prospect MRA) 3000 Euclid Ave., Cleveland, 84003953

### **TENNESSEE**

#### **Hamilton County**

Central Block Building, 630-638 Market St., Chattanooga, 95000293

#### **Warren County**

First Presbyterian Church, 205 W. Main St., McMinnville, 95001061

### **WISCONSIN**

#### **Sheboygan County**

Foeste, Henry Store, Building, 522 S. Eighth St., Sheboygan, 95001063

[FR Doc. 95-20186 Filed 8-14-95; 8:45 am]

**BILLING CODE 4310-70-P**

### **INTERSTATE COMMERCE COMMISSION**

[Ex Parte No. 388 (Sub-No. 5)]

#### **Intrastate Rail Rate Authority—Georgia**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of recertification.

**SUMMARY:** Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Georgia to regulate intrastate rail rates, classifications, rules, and practices for a 5-year period.

**DATES:** Recertification will be effective on September 14, 1995 and will expire on September 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elaine Sehrt-Green, (202) 927-5269 or Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

Decided: August 7, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-20164 Filed 8-14-95; 8:45 am]

**BILLING CODE 7035-01-P**

[Ex Parte No. 388 (Sub-No. 10)]

#### **Intrastate Rail Rate Authority—Kansas**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of recertification.

**SUMMARY:** Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Kansas to regulate intrastate rail rates, classifications, rules, and practices for a 5-year period.

**DATES:** Recertification will be effective on September 14, 1995 and will expire on September 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elaine Sehrt-Green, (202) 927-5269 or Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

Decided: August 7, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-20165 Filed 8-14-95; 8:45 am]

**BILLING CODE 7035-01-P**

[Ex Parte No. 388 (Sub-No. 1)]

#### **Intrastate Rail Rate Authority—Alabama**

**AGENCY:** Interstate Commerce Commission.



**ACTION:** Notice of recertification.

**SUMMARY:** Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Alabama to regulate intrastate rail rates, classifications, rules, and practices for a 5-year period.

**DATES:** Recertification will be effective on September 14, 1995 and will expire on September 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elaine Sehart-Green, (202) 927-5269 or Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

Decided: August 7, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-20166 Filed 8-14-95; 8:45 am]

**BILLING CODE 7035-01-P**

## DEPARTMENT OF JUSTICE

### Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify

the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

### New Collection

- (1) United States Trustee Program Customer Surveys.
  - (2) N/A. United States Trustees. United States Department of Justice.
  - (3) Primary: Individuals or households. Other: Business or other for-profit, farms. The information furnished will be used by the Executive Office for United States Trustees to determine the level of customer satisfaction and to identify specific policies or procedures that may require attention. There are six separate surveys which will be conducted annually.
  - (4) 1,000 annual respondents, .25 hours per response.
  - (5) 1,500 annual burden hours.
  - (6) Not applicable under section 3504(h) of Public Law 96-511.
- Public comment on this item is encouraged.

Dated: August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20096 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-01-M**

### Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

### Reinstatement, Without Change, of a Previously Approved Collection for Which Approval Has Expired

(1) Report of Public Safety Officer's Death.

(2) Form OJP 3650/6 (Rev 2-89). Bureau of Justice Assistance. United States Department of Justice.

(3) Primary: Individuals or households. Other: Federal Government, State, Local or Tribal Government. This form is used by public safety agencies to give notice of the death of public safety officers killed in the line of duty. It also serves to identify persons eligible for benefits under the Public Safety Officers Benefits Act.

(4) 320 annual respondents, 2.5 hours per response.

(5) 800 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: August 8, 1995.

**Kathleet T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20098 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-18-M**

**Information Collections Under Review**

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

**Reinstatement, Without Change, of a Previously Approved Collection for Which Approval Has Expired**

- (1) Claim for Death Benefits.
- (2) Form OJP 3650/5 (Rev 2-89). Bureau of Justice Assistance. United States Department of Justice.
- (3) Primary: Individuals or households. Other: Federal Government, State, Local or Tribal Government. This form is used to submit claims for benefits under the Public Safety Officers Benefits.

(4) 320 annual respondents, 2.5 hours per response.

(5) 800 annual burden hours.

(6) Not applicable under section 3504(h) of the Public Law 96-511.

Public comment on this item is encouraged.

Dated August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20099 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-18-M**

**Information Collections Under Review**

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/

Justice Management Division Suite 850, WCTR, Washington, DC 20530.

**Revision of a Currently Approved Collection**

- (1) Guam Visa Waiver Agreement.
  - (2) From I-760. Immigration and Naturalization Service. United States Department of Justice.
  - (3) Primary: Business or other for-profit. Other: Not-for-profit institutions. This form is the agreement between a carrier of aliens and the United States pursuant to Public Law 99-386.
  - (4) 5 annual respondents, 1 hour per response.
  - (5) 5 annual burden hours.
  - (6) Not applicable under section 3504(h) of Public Law 96-511.
- Public Comment on this item is encouraged.

Dated: August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20100 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-10-M**

**Information Collection Under Review**

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare

such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

#### **Extension of a Currently Approved Collection**

- (1) Passenger List, Crew List.
  - (2) Form I-418. Immigration and Naturalization Service. United States Department of Justice.
  - (3) Primary: Individuals or households. Other: None. This form is prescribed by the Attorney General for use by masters, owners or agents of vessels in complying with sections 231 and 251 of the Immigration and Nationality Act.
  - (4) 95,000 annual respondents, 1 hour per response.
  - (5) 95,000 annual burden hours.
  - (6) Not applicable under section 3504(h) of Public Law 96-511.
- Public comment on this item is encouraged.

Dated: August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20101 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-10-M**

#### **Information Collections Under Review**

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and

(6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

#### **Extension of a Currently Approved Collection**

- (1) Request for Cancellation of Public Charge Bond.
- (2) Form I-356. Immigration and Naturalization Service. United States Department of Justice.
- (3) Primary: Individuals or households. Other: None. The information collected will allow the Immigration and Naturalization Service to determine if bond posted on behalf of an alien in the United States should be cancelled.

(4) 2,000 annual respondents, .25 hours per response.

(5) 500 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20102 Filed 8-14-95; 8:45 am]

**BILLING CODE 4410-10-M**

#### **Information Collections Under Review**

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

#### **Extension of a Currently Approved Collection**

- (1) Application for Removal.
- (2) Form I-243. Immigration and Naturalization Service, United States Department of Justice.
- (3) Primary: Individuals or households. Other: None. The information collected will allow the Immigration and Naturalization Service to determine eligibility for the alien's request for removal from the United States.

(4) 41 annual respondents, .166 hours per response.

(5) 7 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: August 9, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-20103 Filed 8-14-95; 8:45 am]

BILLING CODE 4410-10-M

### Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent Decree in *United States v. City of Cushman, Arkansas*, Civil Action No. B-C-94-40, was lodged on August 3, 1995 with the United States District Court for the Eastern District of Arkansas.

The United States filed a Complaint pursuant to 42 U.S.C. 300-3(b) and (g) and the Drinking Water Regulations at 40 CFR Part 141 alleging that the City of Cushman violated provision of the Act and Regulations and seeking injunctive relief and civil penalties. Subsequently, the United States and the City of Cushman, Arkansas reached a settlement which resolves the issues set forth in the Complaint. The settlement includes the payment of \$15,000 in civil penalties by the City of Cushman and the construction of a new water treatment plant.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. City of Cushman, Arkansas*, DOJ Ref. No. 90-5-1-1-3955.

The proposed Consent Decree can be examined at the office of the United States Attorney for the Eastern District of Arkansas, 425 W. Capitol, Suite 500, Little Rock, Arkansas, the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$3.25 (25 cents

per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

*Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-20149 Filed 8-14-95; 8:45 am]

BILLING CODE 4410-01-M

### DEPARTMENT OF LABOR

#### Employment and Training Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Data Collection Instruments for the Evaluation of the Emergency Unemployment Compensation Act

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effect to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information, in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Unemployment Insurance Service of the Employment and Training Administration is soliciting comments concerning the proposed new collection of data for the evaluation of the Emergency Unemployment Compensation Program. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

**DATES:** Written comments must be submitted on or before October 16, 1995. If you anticipate submitting written comments, but find it difficult to do so within the length of time allowed by this notice, you should request an extension from the contact person listed below as soon as possible. An effort will be made to accommodate each request, unless otherwise justified.

#### FOR FURTHER INFORMATION CONTACT:

Robert Pavosevich, U.S. Dept of Labor, Unemployment Insurance Service, Room S-4519, 200 Constitution Ave., NW., Washington, DC 20210, (202) 219-8640.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The collection of survey data and State administrative records is being done to support an evaluation of the Emergency Unemployment Compensation (EUC) program implemented in 1991. The EUC program paid federally-financed extended unemployment insurance benefits from November 1991, through April 1994. More than \$28 billion in benefits were paid in the program.

##### II. Current Actions:

The data collection effort will consist of a telephone survey of 4,000 individuals, and acquiring administrative data records from twenty-three States. The interview will take roughly thirty minutes and gather information on an EUC recipient's characteristics and behavior. Computer Assisted Telephone Interviewing (CATI) will be used to conduct the survey in order to reduce the burden on respondents and provide greater accuracy. All respondents will be informed that the information they provide will be kept strictly confidential. All data will be collected by a private contractor and only information that will preclude any individual's identification will be provided to the U.S. Dept. of Labor. This data collection process from individuals and States will occur only once. The total burden of conducting the survey and collecting administrative records from twenty-three States is estimated to be 4,520 hours.

Public comments are being solicited to address the accuracy of the burden estimates and ways to minimize burden, including the use of automated collection techniques or the use of other forms of information technology.

*Type of Review:* New.

*Agency:* Employment and Training Administration.

*Title:* Data Collection Instruments for the Evaluation of the Emergency Unemployment Compensation Program.

*Frequency:* One Time.

*Affected Public:* Individuals or households and State Government.

*Number of Respondents:* 4,000 and 23 States.

*Estimated Time per Respondent:* 30 minutes.

*Total Burden Hours:* 4520.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed at Washington, DC., this 9th day of August 1995.

**Timothy M. Barnicle,**

*Assistant Secretary of Labor for Employment and Training.*

[FR Doc. 95-20133 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-30-M

## Office of the Secretary

### Secretary's Task Force on Excellence in State and Local Government Through Labor-Management Cooperation; Meeting

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Secretary's Task Force on Excellence in State and Local Government Through Labor-Management Cooperation was established in accordance with the Federal Advisory Committee Act (FACA) (Pub. L. 82-463)). Pursuant to Section 10(a) of FACA, this is to announce that the Task Force will meet at the time and place shown below.

**TIME AND PLACE:** The meeting will be held on Wednesday, September 13, 1995, from approximately 9 a.m. to 12 noon and on Thursday, September 14, 1995, from approximately 9 a.m. to 12 noon in Conference Room N-3437 B-D in the Department of Labor, 200 Constitution Avenue, NW, Washington, DC.

**AGENDA:** At this meeting, the Task Force intends to hear testimony on and discuss the following topics, among others: (1) experiences of state or local elected officials in implementing workplace changes through labor-management cooperation, and (2) the progress of the Task Force in the development of its report.

**PUBLIC PARTICIPATION:** The meeting will be open to the public. Seating will be available on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact the Task Force if special accommodations are necessary. Individuals or organizations wishing to submit written statements should send 20 copies on or before September 5 to Mr. Charles A. Richards, Designated Federal Official, Secretary of Labor's Task Force on Excellence in State and Local Government through Labor-Management Cooperation, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-2203, Washington, DC 20210. These statements will be thoroughly reviewed and become part of the record.

For the purposes of this meeting, the Task Force is primarily interested in statements that address the topics

mentioned above under the heading "Agenda." However, the Task Force continues to welcome submissions that address the questions in the mission statement and the following eight general areas: (1) Finding Models, Ingredients, and Barriers to Service Excellence and Labor-Management Cooperation and, as the following relate to promoting workplace cooperation and excellence; (2) Bargaining and Related Institutions and Practices; (3) Conflict Resolution Skills, Practices, and Institutions; (4) Legal and Regulatory Issues; (5) Effects of Civil Service; (6) Ensuring a High-Performance Work Environment; (7) Political and Electoral Considerations and Relationships; and (8) Financial Background, Financial Security, and Budget Systems.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles A. Richards, Designated Federal Official, Secretary of Labor's Task Force on Excellence in State and Local Government through Labor-Management Cooperation, U.S. Department of Labor, Room S-2203, Washington, DC 20210, (202) 219-6231.

Signed at Washington, DC, this 4th day of August 1995.

**Robert B. Reich,**

*Secretary of Labor.*

[FR Doc. 95-20134 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-23-M

### Pension and Welfare Benefits Administration

#### Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on September 13, 1995, in Suite S-2508, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, DC 20210.

The purpose of the meeting, which will begin at 1:00 p.m. is to receive status reports of the Advisory Council's 1995 work groups and to invite public comment on any aspect of the administration of ERISA.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Sept. 1, 1995 to Linda Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, N.W., Washington, DC 20210. Individuals or representatives of

organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Sept. 1, 1995.

Signed at Washington, DC this 10th day of August, 1995.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-20123 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-29-M

#### Work Group on Pension Education, Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Work Group on Pension Education of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 11 and 12, 1995, in room S-3215 A-B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, DC 20210.

The purpose of the meetings, which will begin at 1 p.m. on Sept. 11 and 9:30 a.m. on Sept. 12, is to continue to take testimonies on the necessity of better educating the public to save for retirement and to explore successful programs that are working to this end.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Sept. 1, 1995 to Linda Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, N.W., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory

Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Sept. 1, 1995.

Signed at Washington, DC, this 10th day of August, 1995.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-20124 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-29-M

### **Work Group on Real Estate Investment, Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Work Group of the Real Estate Investment of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 12, 1995, in Room S-3215 A&B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, DC 20210.

The purpose of the meeting, which will begin at 1:00 p.m. is to concentrate on the regulatory issues that impact on real estate investments for pension funds and to hear witnesses addressing this topic.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Sept. 1, 1995 to Linda Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, N.W. Washington, DC 20210. Individuals or representatives of organizations wishing to address the advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Sept. 1, 1995.

Signed at Washington, DC, this 10th day of August, 1995.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-20125 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-29-M

### **Work Group on Defined Contribution Adequacy, Advisory Council on Employee Welfare and Pension Benefits Plan; Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, public meetings of the Work Group on Defined Contribution Adequacy of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 11 and 13, 1995, in Room S-3215 A-B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, DC 20210.

The purpose of the meetings, which will begin at 9:30 a.m. each day, is to hear more testimony relating to various policy issues surrounding retirement income adequacy.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Sept. 1, 1995 to Linda Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, N.W., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Sept. 1, 1995.

Signed at Washington, DC, this 10th day of August 1995.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-20126 Filed 8-14-95; 8:45 am]

BILLING CODE 4510-29-M

### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-213]

#### **Connecticut Yankee Atomic Power Company; Notice of Withdrawal of Applications for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has

granted the request of Connecticut Yankee Atomic Power Company (the licensee) to withdraw its July 31, 1992 and January 29, 1993, applications for proposed amendments to Facility Operating License No. DPR-61 for the Haddam Neck Plant, located in Middlesex County, Connecticut.

The proposed amendments would have revised the plugging criteria for the steam generator tubes due to cracking in the tubesheet expansion roll transition area.

The Commission had previously issued Notices of Consideration of Issuance of Amendment published in the **Federal Register** on September 1, 1992 (57 FR 39709) and March 4, 1993 (58 FR 12379). However, by letter dated July 25, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated July 31, 1992, and January 29, 1993, and the licensee's letter dated July 25, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 9th day of August 1995.

For the Nuclear Regulatory Commission.

**Alan B. Wang,**

*Project Manager, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20118 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-327 and 328]

#### **Sequoyah Nuclear Plant Units 1 and 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-77 and DPR-79 issued to the Tennessee Valley Authority (the licensee) for operation of the Sequoyah Nuclear Plant, Units 1 and 2, located in Soddy Daisy, Tennessee.

The proposed amendment would revise the numerical values for the overtemperature and overpower delta-temperature equation constants in Technical Specification (TS) Table 2.2-

1, Reactor Trip System Instrumentation Trip Setpoints. The original proposed change, published in the **Federal Register** April 26, 1995 (60 FR 20527), would have moved these values from the TS to the Core Operating Limit Report.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The revision of the  $[\tau]_4$  constant numerical value in the overtemperature delta temperature (OT[delta]T) and overpower delta temperature (OP[delta]T) equations have been analyzed by the [\* \* \*] Westinghouse Electric Corporation evaluation and have been found to have sufficient margin for the proposed change. This evaluation shows that the proposed changes are bounded by the existing analysis for Chapter 6 and 15 accidents. The setpoint change will continue to meet the applicable safety analysis acceptance criteria for the transients evaluated. The offsite dose rates for postulated accidents have not exceeded the values stated in the Updated Final Safety

Analysis Report as a result of this change. The clarification of the equality signs for the constant numerical values does not change plant or accident mitigation functions. Therefore, the proposed changes will not increase the consequences of an accident.

This change affects the OT[delta]T and OP[delta]T functions that are designed to mitigate the consequences of an accident and are not considered to be an accident initiating source. Therefore, the probability of an accident is not increased by the proposed change.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The revision of lead/lag dynamic compensation for the OT[delta]T and OP[delta]T functions do not impact accident initiators because these functions are used for accident mitigation and are not postulated as a source. Therefore, the possibility of a new or different kind of accident is not created by the proposed revision.

3. Involve a significant reduction in a margin of safety.

The proposed revision to the lead/lag compensation for the OT[delta]T and OP[delta]T functions does not invalidate the conclusions in the safety analysis. Margins provided for in the safety analysis are maintained with the proposed changes such that no reduction in the margin of safety is involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 14, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the

Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Frederick J. Hebdon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to General Council, Tennessee Valley Authority, ET 11H, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 6, 1995, which was superseded by the application dated August 7, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Dated at Rockville, Maryland, this 9th day of August 1995.

For the Nuclear Regulatory Commission.

**David E. LaBarge,**

*Sr. Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20119 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. STN 50-530]

**Arizona Public Service Company, et al.; Palo Verde Nuclear Generating Station, Unit No. 3; Environmental Assessment and Finding of no Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), Type A Tests, to the Arizona Public Service Company, et al. (APS or the licensee), for operation of the Palo Verde Nuclear Generating Station (PVNGS), Unit No. 3, located in Maricopa County, Arizona.

**Environmental Assessment**

*Identification of the Proposed Action*

The proposed action would allow an exemption from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), on a one-time schedular extension which would permit rescheduling the second containment integrated leak rate test (ILRT) in the first 10-year service period from the fifth refueling outage (3R5) currently scheduled for November 1995 to the sixth refueling outage (3R6) planned for April 1997.

The proposed action is in accordance with the licensee's application for exemption dated June 21, 1995.

*The Need for the Proposed Action*

The current ILRT requirements for PVNGS, Unit 3, as set forth in Appendix J, are that, after the pre-operational leak rate test, a set of three Type A tests must be performed at approximately equal intervals during each 10-year period. Also, the third test of each set must be conducted when the plant is shut down for the 10-year plant inservice inspection (ISI). The first periodic Type A test was performed in May of 1991 during the second refueling outage in Unit 3 (3R2), 40 months from the date of Unit 3 commercial operation. The second periodic test is currently scheduled to be performed in November of 1995 during the fifth refueling outage (3R5), corresponding to an interval of 54 months. The third Type A test is currently planned to be performed during the seventh refueling outage



(3R7) which would coincide with the completion of the first 10-year ISI interval.

The licensee has requested a schedular exemption from 10 CFR 50, Appendix J, Section III.D.1.(a) in regards to "approximately equal time intervals." Specifically, the proposed exemption would allow APS to delay the Unit 3 second Type A test until the sixth refueling outage (3R6). The Type A test would tentatively be scheduled for April of 1997, and would increase the interval between the first and second Type A test from 54 months to 71 months. The third Type A test is not being altered by this exemption request and is scheduled to be performed during the seventh refueling outage (3R7) which would coincide with the completion of the first 10-year ISI interval. This exemption request proposes an increase to the interval between the first and second Type A test but does not alter the frequency of testing (three Type A tests performed in a ten year period) during the first 10 year ISI interval. The visual inspection of the containment is not included in the proposed exemption and will be performed as originally planned during the fifth refueling outage (3R5).

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at the Palo Verde Nuclear Generating Station, Unit 3. The licensee has provided an acceptable basis for concluding that the proposed one-time extension of the Type A test interval would maintain the containment leakage rates within acceptable limits. Accordingly, the Commission has concluded that the one-time extension does not result in a significant increase in the amounts of any effluents that may be released nor does it result in a significant increase in individual or cumulative occupational radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption only involves Type A testing on the containment. It does not affect nonradiological plant effluents and has no other environmental impact.

Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would not result in any change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupation radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

#### *Alternative Use of Resources*

This action does not involve the use of resources not previously considered in the "Final Environmental Statement Related to the Operation of Palo Verde Nuclear Generating Station, Units 1, 2, and 3," dated February 1982.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on July 17, 1995, the staff consulted with the Arizona State official, Mr. William Wright of the Arizona Radiation Regulatory Agency, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's letter dated June 21, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Phoenix

Public Library, 1221 N. Central, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 9th day of August 1995.

For the Nuclear Regulatory Commission.

**Charles R. Thomas,**

*Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20113 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

#### **[Docket Nos. 50-277 and 50-278]**

#### **Peco Energy Company Public Service Electric and Gas Company; Delmarva Power and Light Company; Atlantic City Electric Company; Peach Bottom Atomic Power Station, Units 2 and 3; Environmental Assessment and Finding of no Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-44 and DPR-56, issued to PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company (the licensee), for the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located at the licensee's site in York County, Pennsylvania.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed amendment will replace the existing PBAPS Technical Specifications (TS) in their entirety with Improved Technical Specifications (ITS). The proposed action is in accordance with the licensee's amendment request dated September 29, 1994 as supplemented by letters dated March 3, March 30, May 4 (two letters), May 8, May 9, May 16, May 24, May 25, May 26, June 7, July 7, July 13 and July 21, 1995.

##### *The Need for the Proposed Action*

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of TS. The "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," (52 FR 3788, February 6, 1987) and later the Final Policy Statement (58 FR 39132, July 22, 1993), formalized this need. To facilitate the development of individual ITS, each reactor vendor owners group (OG) and the NRC staff developed standard TS (STS). For General Electric (GE) plants, the STS are NUREG-1433 for BWR/4 reactor facilities and NUREG-1434 for BWR/6 facilities.

NUREG-1433 formed the basis of the PBAPS ITS. The NRC Committee to Review Generic Requirements (CRGR) reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

#### *Description of the Proposed Change*

The proposed revision to the TS is based on NUREG-1433 and on guidance provided in the Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TS. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1433, portions of the existing TS were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee, and generic matters with the OGs.

The proposed changes from the existing TS can be grouped into four general categories, as follows:

1. Non-technical (administrative) changes, which were intended to make the ITS easier to use for plant operations personnel. They are purely editorial in nature or involve the movement or reformatting of requirements without affecting technical content. Every section of the PBAPS TS has undergone these types of changes. In order to ensure consistency, the NRC staff and the licensee have used NUREG-1433 as guidance to reformat and make other administrative changes.

2. Relocation of requirements, which includes items that were in the existing PBAPS TS but did not meet the criteria set forth in the Policy Statement for inclusion in the TS. In general, the proposed relocation of items in the PBAPS TS to the Updated Final Safety Analysis Report (UFSAR), appropriate plant-specific programs, procedures and ITS Bases follows the guidance of the BWR/4 STS, NUREG-1433. Once these items have been relocated by removing them from the TS to other licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC staff-approved control mechanisms which provide appropriate procedural means to control changes.

3. More restrictive requirements, which consist of proposed PBAPS ITS items that are either more conservative than corresponding requirements in the existing PBAPS TS, or are additional restrictions which are not in the existing PBAPS TS but are contained in

NUREG-1433. Examples of more restrictive requirements include: placing a Limiting Condition of Operation (LCO) on plant equipment that is not required by the present TS to be operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

4. Less restrictive requirements, which are relaxations of corresponding requirements in the existing PBAPS TS which provided little or no safety benefit and placed unnecessary burden on the licensee. These relaxations were the result of generic NRC action or other analyses. They have been justified on a case-by-case basis for PBAPS as described in the staff's draft Safety Evaluation which was issued on July 20, 1995. The staff will issue a final Safety Evaluation with the license amendment, which will be noticed in the **Federal Register**.

In addition to the changes described above, the licensee proposed certain changes to the existing technical specifications that deviated from the standard technical specifications in NUREG-1433. Each of these additional proposed changes is described in the licensee's application and in the staff's Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing (60 FR 26905). These changes have been justified on a case-by-case basis for PBAPS as described in the staff's draft Safety Evaluation which was issued on July 20, 1995. The staff will issue a final Safety Evaluation with the license amendment, which will be noticed in the **Federal Register**.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed revision to the TS. Changes that are administrative in nature have been found to have no effect on technical content of the TS, and are acceptable. The increased clarity and understanding these changes bring to the TS are expected to improve the operator's control of the plant in normal and accident conditions.

Relocation of requirements to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with the guidelines of NUREG-1433 and the Policy Statement, and, therefore, to be acceptable.

Changes involving more restrictive requirements have been found to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burden on the licensee, their removal from the TS was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic NRC action, or of agreements reached during discussions with the OG and found to be acceptable for PBAPS. Generic relaxations contained in NUREG-1433 as well as proposed deviations from NUREG-1433 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revision to the TS was found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed TS amendment.

With regard to potential non-radiological impacts, the proposed amendment involves features located entirely within the restricted areas as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological impacts associated with the proposed amendment.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendment, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the amendment would be to deny the amendment request. Such action would not enhance the protection of the environment.

#### *Alternative Use of Resources*

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Peach Bottom Atomic Power Station, Units 2 and 3, dated April 1973.

### *Agencies and Persons Consulted*

In accordance with its stated policy, on April 19, 1995, the staff consulted with the Pennsylvania State official, Mr. Stan Maingi of the Pennsylvania Department of Environmental Resources, Bureau of Radiation Protection, regarding the environmental impact of the proposed action. The State official had no comments.

### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this proposed action, see the licensee's letter dated September 29, 1994 and supplemental letters dated March 3, March 30, May 4 (two letters), May 8, May 9, May 16, May 24, May 25, May 26, June 7, July 7, July 13 and July 21, 1995. These letters are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the local public document room located at Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland this 8th day of August 1995.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20120 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-287 and 50-388]

### **Pennsylvania Power & Light Company; Susquehanna Steam Electric Station, Units 1 and 2; Environmental Assessment and Finding of no Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering an exemption from the requirements of 10 CFR Part 50, Appendix J, Sections II.H.4, III.C.2, and III.C.3, for Facility Operating Licenses No. NPF-14 and NPF-22 respectively, issued to Pennsylvania Power & Light Company, (the licensee), for operation of the Susquehanna Steam Electric

Station (SSES), Units 1 and 2, located in Luzerne County, Pennsylvania.

### **Environmental Assessment**

#### *Identification of the Proposed Action*

The proposed action would grant an exemption from 10 CFR Part 50, Appendix J, Sections II.H.4, III.C.2, and III.C.3 for SSES, Units 1 and 2, in conjunction with the removal of the main stream isolation valve (MSIV) leakage control system (LCS) and the proposed use of an alternative pathway.

Appendix J, Sections II.H.4 and III.C.2 of 10 CFR Part 50, require leak rate testing of MSIVs at the calculated peak containment pressure related to the design basis accident, and Section III.C.3 of Appendix J requires that the measured MSIV leak rates be included in the combined local leak rate test results. The proposed deletion of the MSIV LCS and proposed use of an alternate leakage pathway affects the description of an existing exemption (NUREG-0776) which allows the leak rate testing of the MSIVs at a reduced pressure and allows the exclusion of the measured MSIV leakage from the combined local leak rate test results.

The proposed action is in accordance with the licensee's application for exemption dated February 21, 1995.

#### *The Need for the Proposed Action*

The proposed exemption is similar to the current exemption from 10 CFR Part 50, Appendix J, Sections II.H.4, III.C.2. The exemption is needed since the design of the MSIVs is such that testing in the reverse direction tends to unseat the MSIV and would result in a meaningless test. The total observed MSIV leak rate resulting from a leakage test where two MSIVs on one steam line are tested utilizing a reduced pressure (22.5 psig) will continue to be assigned to the penetration. The proposed exemption is also similar to the current exemption from 10 CFR Part 50, Appendix J, Section III.C.3. The licensee proposes that the MSIV leakage rate will continue to be accounted for separately in the radiological site analysis in accordance with the existing exemption. However, the existing exemption from 10 CFR Part 50, Appendix J, Section III.C.3 will not be applicable when the MSIV LCS is replaced with an Alternate Treatment Path (ATP) (Main steam lines and condenser).

The proposed action regarding the TS amendment will reduce the need for repairs of the MSIVs, resolve concerns associated with the current LCS performance capability at high MSIV leakage rates, and provide an effective method for dealing with a potential

MSIV leakage during a postulated loss-of-coolant accident (LOCA). Many boiling water reactors have difficulty meeting their MSIV leakage rate limits. Extensive repair, rework, and retesting efforts have negative effects on the outage costs and schedules, as well as significant impact on the licensee's as low as it is reasonable achievable (ALARA) radiological exposure programs. The alternatives proposed by the licensee to deal with the MSIV leakage make use of components (main steam lines and condenser) that are expected to remain intact and serviceable following a design basis LOCA.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that this action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Regarding the exemption, the MSIV leakage, along with the containment leakage is used to calculate the maximum radiological consequences of a design basis accident. Section 15.6.5 of the SSES Final Safety Analysis Report (FSAR) identifies that standard and conservative assumptions have been used to calculate the offsite and control room doses, including the doses due to MSIV leakage, which could potentially result from a postulated LOCA. Further, the control room and offsite doses resulting from a postulated LOCA have recently been recalculated using currently accepted assumptions and methods. These analyses have demonstrated that the total leakage rate of 300 scfh results in dose exposures for the control room and offsite that remain within the requirements of 10 CFR Part 100 for offsite doses and 10 CFR Part 50, Appendix A, for the control room doses.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not

affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Susquehanna Steam Electric Station, Units 1 and 2.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on July 7, 1995, the staff consulted with the Pennsylvania State official, David Ney of the Department of Radiation Protection, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 21, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 8th day of August 1995.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-20121 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-M

#### **Workshop on Development of Regulatory Guidance Implementing the Final Rule on Radiological Criteria for Decommissioning; Notice**

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is preparing to hold a workshop to provide information to interested members of the public regarding draft implementation guidance for the final rule on Radiological Criteria for Decommissioning. Implementation issues to be discussed include pathways modeling, dose assessment, performance of site surveys, and instrumentation. NRC staff will discuss the use of the World Wide Web (WWW) to allow the public to interact with the staff during the development of implementation guidance. In addition, NRC staff will present an overview of the status of the final rule, including a discussion of the major issues identified in the public comments on the proposed rule (59 FR 43200).

**DATES:** The workshop will be held on Friday, September 29, 1995, from 9 a.m. until 5 p.m.

**ADDRESSES:** The workshop will be held in the main auditorium located at the NRC Headquarters Building, Two White Flint North (TWFN), 11545 Rockville Pike, Rockville, MD 20852-2738, telephone (301) 415-5811. Seating is limited to 300 people and will be on a first-come, first-served basis. It should also be noted that parking at the TWFN building is very limited.

**FOR FURTHER INFORMATION CONTACT:** Charleen Raddatz, Office of Research, Mail Stop T-9C24, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6215 or Christine Daily, Office of Research, Mail Stop T-9C24, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6026.

**SUPPLEMENTARY INFORMATION:** On August 22, 1994 (59 FR 43200), NRC published for comment a proposed rule on Radiological Criteria for Decommissioning, 10 CFR Parts 20, 30, 40, 50, 51, 70, and 72, that would provide the regulatory basis for determining the extent to which lands and structures must be remediated before a site can be considered decommissioned. Between January and June of 1993, seven workshops were conducted throughout the United States to solicit commentary from affected interested parties on the fundamental approaches and issues that must be addressed in establishing radiological criteria for decommissioning.

The purpose of this workshop is to provide information and training in

specific technical areas including pathways modeling, dose assessment, performance of site surveys and instrumentation to interested members of the public. The staff will provide additional information to facilitate the use of the World Wide Web as a means of participating in a virtual working group (VWG). The purpose of the VWG is to encourage interactive constructive input between participants and NRC staff. The VWG will be devoted to the further development of useful implementation guidance and will have the opportunity to review and comment on staff documents as they are developed. In this way, NRC staff hopes to continue the Enhanced Participatory process that has distinguished this rulemaking.

#### **Conduct of the Meeting**

The format will consist of a lecture by NRC personnel with emphasis on providing training for potential participants of the Virtual Working Group followed by time for questions and comments from the audience. Staff drafts of implementation documents will be available 30 days prior to the meeting and will be available on the NRC Enhanced Participatory Rulemaking on Radiological Criteria for Decommissioning Electronic Bulletin Board. Interested persons may connect to the bulletin board by calling 1-800-880-6091 (58 FR 37760; July 13, 1993). The bulletin board may be accessed using a personal computer, a modem, and most commonly available communications software packages. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Use ANSI or VT-100 terminal emulation. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board. For more information, call Ms. Christine Daily, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Phone (301) 415-6026; FAX (301) 415-5385.

Dated at Rockville, Maryland, this 8th day of August, 1995.

For the Nuclear Regulatory Commission.

**John E. Glenn,**

*Chief, Radiation Protection & Health Effects Br., Division of Regulatory Applications, Office of Nuclear Regulatory Research.*

[FR Doc. 95-20114 Filed 8-14-95; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF MANAGEMENT AND BUDGET

### Notice of Meeting

**AGENCY:** Office of Management and Budget.

**ACTION:** National Industrial Security Program Policy Advisory Committee (NISPPAC) meeting: Notice of meeting and invitation for public comments.

**SUMMARY:** The National Industrial Security Program Policy Advisory Committee will hold a meeting that shall serve as a forum to discuss National Industrial Security Program (NISP) policy issues in dispute, and to advise the Chairman of these issues. The agenda will include a discussion of the status of the NISP, Executive Order 12958 and its impact on industry, and the introduction of new NISPPAC industry members.

The Information Security Oversight Office (ISOO) will host the meeting. ISOO is part of OMB's Office of Information and Regulatory Affairs.

**DATES:** The meeting will be held on Wednesday, September 27, 1995, at 10:00 a.m., at the Information Security Oversight Office in Washington, DC. The meeting is open to the public; however due to access procedures, the names and telephone numbers of those planning to attend must be submitted to the Information security Oversight Office no later than Monday, September 24, 1995.

**ADDRESSES:** The meeting will be held at the Information Security Oversight Office, Suite 530, 750 17th Street, NW., Washington, DC 20006.

Written statements may be forwarded by mail to the above address, or faxed to (202) 395-7460.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the meeting or to submit the names of those planning to attend, contact Ms. Dorothy Cephas of the Information Security Oversight Office at (202) 395-7450.

**James B. MacRae, Jr.,**

*Acting Administrator, Office of Information and Regulatory Affairs.*

[FR Doc. 95-20050 Filed 8-14-95; 8:45 am]

**BILLING CODE 3110-01-M**

## SECURITIES AND EXCHANGE COMMISSION

### Request Under Review by Office of Management and Budget

*Agency Clearance Officer:* Michael E. Bartell (202) 942-8800.

*Upon written request copies available from:* Securities and Exchange

Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:* Rule 17a-5(c) File No. 270-199.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. §§ 3501 *et seq.*), the Securities and Exchange Commission has submitted to the Office of Management and Budget a request for approval of extension on the following:

Rule 17a-5(c) sets forth the financial statements which must be sent to public customers of broker-dealers. The total number of hours required for all respondents to comply with Rule 17a-5(c) is 50,000 hours annually.

Direct general comments to the Clearance Officer for the Securities and Exchange Commission at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with the Commission rules and forms to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549 and the Clearance Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Project Number 3235-0199, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: August 8, 1995.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20156 Filed 8-14-95; 8:45 am]

**BILLING CODE 8010-01-M**

**[Rel. No. IC-21273; No. 812-9398]**

### AUSA Life Insurance Company, Inc., et al.

August 8, 1995.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of Application for an Order under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANTS:** AUSA Life Insurance Company, Inc. ("AUSA Life"), AUSA Series Annuity Account B (the "Variable Account"), and InterSecurities, Inc.

**RELEVANT 1940 ACT SECTIONS:** Order requested pursuant to Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 26(a)(2)(C) and 27(c)(2) thereof.

**SUMMARY OF APPLICATION:** Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of: (a) The Variable

Account in connection with the offer and sale of certain variable annuity contracts ("Existing Contracts"); (b) the Variable Account in connection with the issuance of variable annuity contracts that are substantially similar in all material respects to the Existing Contracts ("Future Contracts," together with existing Contracts, the "Contracts"); and (c) any other separate account established in the future by AUSA Life in connection with the issuance of Contracts.

**FILING DATE:** The application was filed on December 21, 1994, and amended on June 20 and August 2, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 5, 1995, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Applicants, Robert F. Colby, AUSA Life Insurance Company, Inc., 4 Manhattanville Road, Purchase, New York 10577.

**FOR FURTHER INFORMATION CONTACT:** Kevin M. Krichoff, Senior Counsel, or Patrice M. Pitts, Special Counsel, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

### Applicants' Representations

1. AUSA Life (formerly Dreyfus Life Insurance Company) is a stock life insurance company incorporated under the laws of the State of New York. AUSA Life is a wholly-owned subsidiary of First AUSA Life Insurance Company, a stock life insurance company which is wholly-owned by AEGON, USA, Inc., which is a wholly-owned indirect subsidiary of AEGON, nv, a Netherlands corporation.

2. InterSecurities, Inc., an affiliate of AUSA Life, will serve as distributor and

principal underwriter of the Contracts. InterSecurities, Inc. is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers. InterSecurities, Inc. will receive no commissions for acting as distributor or principal underwriter for the Contracts.

3. The Variable Account was established by AUSA Life as a separate investment account under New York law on October 24, 1994, to act as a funding medium for variable annuity contracts. The Variable Account is registered with the Commission as a unit investment trust under the 1940 Act. Units of interest in the Variable Account under the Existing Contracts are registered under the Securities Act of 1933.

4. The Variable Account presently consists of eight subaccounts (the "Subaccounts"). Each Subaccount will invest solely in the shares of a designated portfolio of the Janus Aspen Series, an open-end "series" management investment company registered under the 1940 Act. Contract owners may invest in any one or more of the Subaccounts, and also may invest in the fixed account, part of the general account of AUSA Life. In the future, other subaccounts may be established by AUSA Life which will invest in specified portfolios of Janus Aspen Series or other investment companies. In the future, AUSA Life may issue, through the Variable Account and through Other Accounts, other variable annuity contracts which are substantially similar in all material respects to the Existing Contracts.

5. The Existing Contracts may be purchased on a non-tax qualified basis or may be purchased and used in connection with retirement plans that qualify for favorable federal income tax treatment.

6. The Existing Contracts provide for minimum initial purchase payments and permit additional minimum purchase payments and periodic payments, subject to certain limitations. The contract owner may allocate net purchase payments to one or more Subaccounts, the fixed account, or to a combination of both.

7. The Existing Contracts also provide for the payment of a death benefit. If the Annuitant dies during the accumulation period and the owner is a natural person other than the Annuitant, the owner will automatically become the new Annuitant. If the Annuitant dies during the accumulation period and the owner is either the same individual as the Annuitant or is not a natural person, AUSA Life will pay the death benefit to

the beneficiary in a lump sum upon receipt of proof of death, unless the beneficiary elects to receive a complete distribution of the death benefit: (i) Within five years of the Annuitant's death; (ii) over the lifetime of the beneficiary; or (iii) over a period that does not exceed the life expectancy of the beneficiary. If the beneficiary is entitled to receive the death benefit and is the spouse of the deceased Annuitant, he or she may instead elect to become the new owner and Annuitant and continue the Existing Contract. The death benefit is equal to the greater of: (i) The annuity value, defined as the sum of the Variable Account value and the fixed account value, or (ii) the excess of (a) the amount of the purchase payments paid, over (b) any partial withdrawals (and less any applicable premium taxes).

8. Various fees and expenses are deducted under the Existing Contracts. AUSA Life will assess an Annual Contract Charge of \$30 on each contract anniversary through the maturity date, and at the time of a full surrender on other than a contract anniversary, for the cost of providing administrative services under the Existing Contracts. Applicants guarantee that this fee will not increase for the life of the Existing Contracts.

9. AUSA Life also will deduct a daily charge from the assets of the Variable Account equal on an annual basis to 0.15% of the average daily net assets of the Variable Account ("Administrative Service Charge"). This charge will be deducted from the Variable Account both during the accumulation period and after the maturity date. This fee is guaranteed not to increase for the duration of the Existing Contracts.

10. The Administrative Service Charge and the Annual Contract Charge are designed to reimburse AUSA Life for the actual administrative costs incurred over the life of an Existing Contract.

11. AUSA Life also reserves the right to impose a \$10 charge for the thirteenth and each subsequent transfer from a Subaccount during a single contract year ("Transfer Charge").

12. AUSA Life does not expect to realize a profit from the Annual Contract Charge, the Administrative Service Charge, and the Transfer Charge (if any). Applicants represent that the Annual Contract Charge, the Administrative Service Charge, and any Transfer Charge will be deducted in reliance upon and in conformity with all of the requirements of Rule 26a-1 under the 1940 Act.

13. If applicable, and if AUSA Life has incurred or reasonably expects to incur expenses with respect to premium

taxes, such taxes will be deducted, as required by law, from: A purchase payment when received; amounts partially withdrawn or surrendered; death benefit proceeds; or the amount applied to an annuity at the time annuity payments commence. AUSA Life intends to deduct any applicable premium taxes when it incurs them, but reserves the right to defer deduction to a later date if such deferral is not detrimental to owners.

14. No charges currently are made for federal, state or local income taxes other than premium taxes. AUSA Life may make such a charge in the future, however, subject to obtaining any necessary regulatory approvals. Charges for any other applicable taxes—including any tax or other economic burden resulting from the application of tax laws that AUSA Life determines to be properly attributable to the Variable Account—also may be made.

15. No sales charges are deducted from purchase payments under the Contracts. No contingent deferred sales charges will be deducted from annuity value if a partial withdrawal or surrender occurs prior to the maturity date. AUSA Life will pay the expected costs of distribution from its general assets, which may include revenue from the mortality and expense risk charge deducted from the Variable Account.

16. A daily charge equal to an effective annual rate of 0.70% of the average daily net assets of the Variable Account will be imposed to compensate AUSA Life for bearing certain mortality and expense risks in connection with the Contracts. The portion of the charge attributable to mortality risk is approximately 0.35% of the average daily net assets of the Variable Account and the portion of the charge attributable to expense risk is approximately 0.35% of the average daily net assets of the Variable Account.

17. AUSA Life will assume two mortality risks under the Contracts: (1) that the annuity rates under the Existing Contracts cannot be changed to the detriment of the contract owners even if Annuitants live longer than projected; and (2) that AUSA Life may be obligated to pay a death benefit claim in excess of the cash value of an Existing Contract.

18. The expense risk borne by AUSA Life is the risk that the charges for administrative expenses, which are guaranteed not to increase for the life of the Contracts, may be insufficient to cover the actual costs of issuing and administering the Contracts.

19. If the mortality and expense risk charge is insufficient to cover actual costs, the loss will be borne by AUSA Life; conversely, if the amount deducted

proves more than sufficient, the excess will be a profit to AUSA Life. The mortality and expense risk charge will be deducted from the Variable Account both during the accumulation period and after the maturity date. The mortality and expense risk charge will not be assessed against the fixed account value or against monies that have been applied to purchase an annuity option under the fixed account annuity payments provisions. AUSA Life expects to earn a profit from the mortality and expense risk charge.

#### **Applicants' Legal Analysis and Conditions**

1. Applicants request an order of the Commission pursuant to Section 6(c) of the 1940 Act for exemptions from Sections 26(a)(2)(C) and 27(c)(2) thereof to the extent necessary to permit the deduction of a charge of 0.70% for the assumption of mortality and expense risks from the assets of: (a) The Variable Account in connection with the issuance of the Contracts; and (b) any other separate account established in the future by AUSA Life in connection with the issuance of Contracts.

2. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the 1940 Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

4. Applicants submit that their request for exemptive relief for deduction of the 0.70% mortality and expense risk charge from the assets of the Variable Account or any other separate accounts established in the future by AUSA Life in connection with the issuance of Future Contracts, would promote competitiveness in the variable annuity contract market by eliminating the need for AUSA Life to file redundant exemptive applications, thereby reducing AUSA Life's

administrative expenses and maximizing the efficient use of its resources. Applicants further submit that the delay and expense involved in having repeatedly to seek exemptive relief would impair AUSA Life's ability effectively to take advantage of business opportunities as they arise. Further, if AUSA Life were required repeatedly to seek exemptive relief with respect to the same issues addressed in this Application, investors would not receive any benefit or additional protection thereby. Thus, Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act.

5. Applicants represent that the 0.70% mortality and expense risk charge under the Existing Contracts is reasonable in relation to the risks assumed by AUSA Life under the Existing Contracts and is within the range of industry practice for comparable annuity contracts. This representation is based upon AUSA Life's analysis of publicly available information about similar industry products, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. AUSA Life undertakes to maintain at its principal office, available to the Commission and its staff upon request, a memorandum setting forth in detail the products analyzed in the course of, and the methodology used in making these determinations.

6. Applicants represent that, prior to offering Future Contracts, they will conclude that the mortality and expense risk charge under such contracts (which cannot exceed in amount the mortality and risk charge under the Existing Contracts) will be reasonable in relation to the risks assumed by AUSA Life under the Contracts and is within the range of industry practice for comparable annuity contracts. AUSA Life will maintain at its principal offices, and make available to the Commission and its staff upon request, a memorandum setting forth in detail the products analyzed in the course of, and the methodology used in, making that determination.

7. Applicants acknowledge that, if a profit is realized from the mortality and expense risk charge under the Contracts, all or a portion of such profit may be available to pay distribution expenses not reimbursed under the Contracts. AUSA Life has concluded that there is a reasonable likelihood that the proposed distribution financing

arrangements will benefit the Variable Account (or future accounts) and the owners of the Existing Contracts (or Future Contracts). The basis for that conclusion is set forth in a memorandum which will be maintained by AUSA Life at its principal office and will be made available to the Commission and its staff upon request.

8. Applicants also represent that the Accounts will invest only in underlying management investment companies which undertake, in the event they should adopt a plan pursuant to Rule 12b-1 under the 1940 Act to finance distribution expenses, to have such plan formulated and approved by a board of directors or trustees, a majority of whom are not "interested persons" of such investment company within the meaning of Section 2(a)(19) of the 1940 Act.

#### **Conclusion**

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan F. Katz,**  
*Secretary.*

[FR Doc. 95-20047 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21274; File No. 812-9382]

#### **Landmark VIP Funds, et al.**

August 8, 1995.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANTS:** Landmark VIP Funds (the "Trust"), Citibank, N.A. ("Citibank") and certain life insurance companies and their accounts investing now or in the future in the Trust ("Separate Accounts").

**RELEVANT 1940 ACT SECTIONS:** Order requested under Section 6(c) of the 1940 Act for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules (6e-2(b)(15) and 6e-3(T)(b)(15)).

**SUMMARY OF APPLICATION:** Applicants seek an order to the extent necessary to permit shares of any current or future series of the Trust to be sold to and held by separate accounts funding variable

annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies.

**FILING DATE:** The application was filed on December 20, 1994. An amendment was filed on July 19, 1995. Applicants have represented that they will file another amendment to the application during the notice period to include the representations contained herein.

**HEARING AND NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 5, 1995, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, Lea Anne Copenhefer, Esq., Bingham, Dana & Gould, 150 Federal Street, Boston, Massachusetts 02110.

**FOR FURTHER INFORMATION CONTACT:** Mark C. Amorosi, Staff Attorney, or Wendy Finck Friedlander, Deputy Chief, at (202) 942-0670, Office of Insurance Products, Division of Investment Management.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

### Applicants' Representations

1. The Trust is an open-end management investment company organized as a Massachusetts business trust on August 22, 1991. The Trust currently consists of four separate series: (1) the Landmark VIP U.S. Government Portfolio, (2) the Landmark VIP Balanced Portfolio, (3) the Landmark VIP Equity Portfolio and (4) the Landmark VIP International Equity Portfolio (each individually a "Portfolio" and collectively the "Portfolios"). The Board of Trustees may establish additional portfolios at any time.

2. Shares of the Portfolios initially will be offered only to Citicorp Life Variable Annuity Separate Account and First Citicorp Life Variable Annuity Separate Account, separate accounts of Citicorp Life Insurance Company and

first Citicorp Life Insurance Company (the "Citicorp Insurance Companies"), respectively, to serve as an investment vehicle for variable annuity contracts issued by the Citicorp Insurance Companies. The Citicorp Insurance Companies are affiliated companies by virtue of both being indirect subsidiaries of Citicorp, a bank holding company organized under the laws of Delaware. Shares of the Portfolios, and of any future series of the Trust that serves exclusively as an investment vehicle for Separate Accounts (hereinafter referred to as "Other Portfolios"), will be offered to separate accounts of other insurance companies, including insurance companies that are not affiliated with the Citicorp Insurance Companies, to serve as the investment vehicle for various types of insurance products, which may include variable annuity contracts, single premium variable life insurance contracts, scheduled premium variable life insurance contracts and flexible premium variable life insurance contracts (collectively "variable contracts"). Insurance companies whose separate account or accounts own shares of the Portfolios or of any Other Portfolio are referred to herein as "Participating Insurance Companies."

3. Citibank will serve as the investment adviser for each Portfolio. the Landmark Funds Broker-Dealer Services, Inc. will serve as administrator and distributor for each Portfolio.

### Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust, Rule 6e-2(b)(15) provides exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e-2 is available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-2(b)(15) are available only where a management investment company underlying a unit investment trust ("underlying fund") offers its shares "exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company." Therefore, the relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity or a flexible premium variable life insurance separate account of the same company or of any affiliated life insurance

company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as "mixed funding."

2. In addition, the relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common management investment company as the underlying investment medium for variable life insurance separate accounts of one insurance company and separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as "shared funding."

3. In connection with the funding of flexible premium variable life insurance contracts through a unit investment trust, Rule 6e-3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e-3(T) is available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-3(T) are available only where a unit investment trust's underlying fund offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company \* \* \*." Therefore, Rule 6e-3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions. However, Rule 6e-3(T) does not permit shared funding because the relief granted by Rule 6e-3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of a management company that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies.

4. Applicants therefore request that the Commission, under its authority in Section 6(c) of the 1940 Act, grant relief from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder for



themselves and for variable life insurance separate accounts of the Participating Insurance Companies, and the principal underwriters and depositors of such separate accounts, to the extent necessary to permit mixed funding and shared funding.

5. Section 9(a) of the 1940 Act makes it unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-end investment company if an affiliated person of that company is subject to any disqualification specified in Sections 9(a)(1) or 9(a)(2). Rule 6e-2(b)(15)(i) and (ii) and Rule 6e-3(T)(b)(15)(i) and (ii) provide exemptions from Section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. The relief provided by Rules 6e-2(b)(15)(i) and 6e-3(T)(b)(15)(i) permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund. The relief provided by Rules 6e-2(b)(15)(ii) and 6e-3(T)(b)(15)(ii) permits the life insurer to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to Section 9(a) participate in the management or administration of the fund.

6. Applicants state that the partial relief granted in Rules 6e-2(b)(15) and 6e-3(T)(b)(15) from the requirements of Section 9(a), in effect, limits the monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of Section 9. Applicants state that Rules 6e-2 and 6e-3(T) recognize that it is not necessary for the protection of investors or for the purposes of the 1940 Act to apply the provisions of Section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to an investment company. Applicants submit that there is no regulatory reason to apply the provisions of Section 9(a) to the many individuals in various unaffiliated insurance companies (or affiliated companies of Participating Insurance Companies) that may utilize the Trust as the funding medium for variable contracts.

7. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a), and 15(b) of the 1940 Act to the extent that those sections have been deemed by

the Commission to require "pass-through" voting with respect to management investment company share held by a separate account, to permit the insurance company to disregard the voting instructions of its contract owners in certain limited circumstances.

Rules 6e-2(b)(15)(iii)(A) and 6e-3(T)(b)(15)(iii)(A) provide that the insurance company may disregard voting instructions of its contract owners in connection with the voting of shares of an underlying fund if such instructions would require such share to be voted to cause such companies to make, or refrain from making, certain investments which would result in changes in the subclassification or investment objectives of such companies, or to approve or disapprove any contract between an underlying fund and its investment adviser, when required to do so by an insurance regulatory authority, subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of each Rule.

Rules 6e-2(b)(15)(iii)(B) and 6e-3(T)(b)(15)(iii)(B) provide that the insurance company may disregard contract owners' voting instructions in the contract owners initiate any change in such company's investment policies or any principal underwriter or investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of each Rule.

8. Applicants submit that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. In this regard, Applicants state that a particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. Accordingly, Applicants submit that the fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem.

9. Applicants state further that, under Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii), the rights of the insurance company to disregard the voting instructions of its contract owners do not rise any issues different from those raised by the authority of state insurance administrators over separate accounts, and that affiliation does not eliminate the potential, if any, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser

initiated by contractowners. Applicants state that the potential for disagreement is limited by the requirement in Rules 6e-2 and 6e-3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations.

10. Applicants submit that mixed funding and shared funding should benefit variable contract owners by: (a) eliminating a significant portion of the costs of establishing and administering separate funds; (b) allowing for a greater amount of assets available for investment by the Portfolios, thereby promoting economies of scale, permitting greater safety through greater diversification, and/or making the addition of new portfolios more feasible; and (c) encouraging more insurance companies to offer variable contracts, resulting in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges. Each Portfolio will be managed to attempt to achieve its investment objectives and not to favor or disfavor any particular Participating Insurance Company or type of insurance product.

11. Applicants assert that there is no significant legal impediment to permitting mixed and shared funding. Applicants state that separate accounts organized as unit investment trusts have historically been employed to accumulate shares of mutual funds which have not been affiliated with the depositor or sponsor of the separate account. Applicants also represent that mixed and shared funding will have no adverse federal income tax consequences.

#### **Applicants' Conditions**

The Applicants have consented to the following conditions:

1. A majority of the Board of Trustees of the Trust ("Board") shall consist of persons who are not "interested persons," as defined by Section 2(a)(19) of the 1940 Act and Rules thereunder and as modified by any applicable orders of the Commission, except that, if this condition is not met by reason of death, disqualification, or bona fide resignation of any trustee or trustees, then the operation of this condition shall be suspended: (i) for a period of 45 days, if the vacancy or vacancies may be filled by the Board; (ii) for a period of 60 days, if a vote of shareholders is required to fill the vacancy or vacancies; or (iii) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Trust for the existence of any material

irreconcilable conflict between the interests of the contract owners of all separate accounts investing in any Portfolio or Other Portfolio. A material irreconcilable conflict may arise for a variety of reasons, including: (a) state insurance regulatory authority action; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of a Portfolio or Other Portfolio are being managed; (e) a difference in voting instructions given by variable annuity and variable life insurance contract owners; or (f) a decision by a Participating Insurance Company to disregard contract owner voting instructions.

3. Participating Insurance Companies and Citibank will report any potential or existing conflicts, of which they become aware, to the Board and will be obligated to assist the Board in carrying out its responsibilities by providing the Board with all information reasonably necessary for it to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever contract owner voting instructions are disregarded. These responsibilities will be contractual obligations of all Participating Insurance Companies investing in a Portfolio or Other Portfolio under their agreements governing participation therein, and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contract owners.

4. If a majority of the Board, or a majority of the disinterested members of the Board, determine that a material irreconcilable conflict exists, the relevant Participating Insurance Companies shall, at their expense and to the extent reasonably practicable (as determined by a majority of disinterested members of the Board), take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (a) withdrawing the assets allocable to some or all of the separate accounts from the Trust or any Portfolio or Other Portfolio therein and reinvesting such assets in a different investment medium (including another Portfolio, if any, of the Trust), or submitting the question whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate,

segregating the assets of any appropriate group (i.e., annuity contract owners, life insurance contract owners, or variable contract owners of one or more participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the election of the Portfolio or Other Portfolio, to withdraw its separate account's investment therein, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in a Portfolio or Other Portfolio and these responsibilities will be carried out with a view only to the interests of the contract owners.

For the purposes of condition (4), a majority of disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Trust or Citibank be required to establish a new funding medium for any variable contract. No Participating Insurance Company shall be required by this condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by a vote of a majority of contract owners materially affected by the irreconcilable material conflict.

5. The determination by the Board of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all Participating Insurance Companies.

6. Participating Insurance Companies will provide pass-through voting privileges to all variable contract owners so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners. Accordingly, each Participating Insurance Company will vote shares of each Portfolio or Other Portfolio held in its separate accounts in a manner consistent with timely voting instructions received from contract

owners. Each Participating Insurance Company also will vote shares of each Portfolio and Other Portfolio held in its separate accounts for which no timely voting instructions from contract owners are received, as well as shares it owns, in the same proportion as those shares for which voting instructions are received. Each Participating Insurance Company shall be responsible for assuring that each of their separate accounts participating in a Portfolio or Other Portfolio calculates voting privileges in a manner consistent with all other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the Trust shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in the Trust.

7. Each Portfolio or Other Portfolio will notify all Participating Insurance Companies that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. Each Portfolio and Other Portfolio shall disclose in its prospectus that: (a) its shares are offered to separate accounts which fund both annuity and life insurance contracts of both affiliated and unaffiliated Participating Insurance Companies; (b) because of differences of tax treatment or other considerations, the interests of various contract owners participating in the Trust might at some time be in conflict; and (c) the Board will monitor the Trust for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board regarding potential or existing conflicts, and all Board action with respect to determining the existence of a conflict, notifying Participating Insurance Companies of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e-2 and Rule 6e-3(T) are amended, or Rule 6e-3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested, then each Portfolio and Other Portfolio and the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rule 6e-2 and Rule 6e-3(T), as amended, and Rule 63-3, as

adopted, to the extent such rules are applicable.

10. The Trust will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the Trust), and in particular the Trust either will provide for annual meetings (except insofar as the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) (although Applicants assert that the Trust is not one of the trusts described in this section) as well as with Sections 16(a) and, if and when applicable, Section 16(b). Further, the Trust will act in accordance with the Commission's interpretation of the requirements of Section 16(a) with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

11. The Participating Insurance Companies and Citibank, at least annually shall submit to the Board such reports, materials or data as the Board may reasonably request so that it may fully carry out the obligations imposed upon it by these stated conditions, and said reports, materials, and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participating Insurance Companies to provide these reports, materials, and data to the Board when it so reasonably requests, shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in each Portfolio or Other Portfolio.

## Conclusion

For the reasons stated above, Applicants believe that the requested exemptions, in accordance with the standards of Section 6(c), are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 95-20048 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36076; File No. SR-NASD-95-12]

## Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Advertising and Sales Literature Filing and Review Requirements Under the Rules of Fair Practice and the Government Securities Rules

August 9, 1995.

### I. Introduction

On May 10, 1995, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change<sup>1</sup> pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder.<sup>3</sup> The rule change amends Article III, Section 35 of the Rules of Fair Practice and Section 8 of the Government Securities Rules.

Notice of the proposed rule change, together with its terms of substance was provided by issuance of a Commission release<sup>4</sup> and by publication in the **Federal Register**.<sup>5</sup> Two comments were received in response to the Commission release, both raising concerns about the proposal. This order approves the proposed rule change.

### II. Description

Under the rules as amended, the definitions of "advertisement" and "sales literature" will include electronic messages. The inclusion of the term "electronic" with regard to advertisements is intended to apply to communications available to all network subscribers including items displayed over network bulletin boards. As it applies to sales literature, the term "electronic" is intended to apply to messages sent directly to individuals or targeted groups. The term "sales literature" also will include telemarketing scripts. Generally, these scripts are intended to be read to prospective and existing customers or delivered electronically through a telemarketing service. They differ from other forms of telephone prospecting and customer contact in that these scripts are followed without variation by the caller.

<sup>1</sup> The proposed rule change was initially submitted on April 10, 1995, and was amended on May 10, 1995, prior to the publication in the **Federal Register**.

<sup>2</sup> 15 U.S.C. § 78s(b)(1).

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> Securities Exchange Act Release No. 35801 (June 2, 1995).

<sup>5</sup> 60 FR 30618 (June 9, 1995).

Further, the rules will require that advertising and sales literature be approved internally by a registered principal prior to filing such materials with the NASD. Currently, the rules only require internal approval prior to the use of advertising and sales literature. Also, a registered principal will no longer be able to delegate his or her responsibility regarding internal approval procedures.

When material must be filed within a specified time frame, the rules will require members to provide the actual or anticipated date of first use or publication. For example, a firm that has never filed material with the Advertising Regulation Department is required to file its first advertisement at least ten days prior to first use and, therefore, under the rules as amended, will be required to provide the actual or anticipated date of first use.

The proposed rule change also will amend the scope of the rules relating to the use of recommendations by members. The amendment will make clear that the price of the security at the time the recommendation is made must be provided only when the recommendation is for corporate equities.

### III. Comments

As noted above the Commission received two comment letters in response to the NASD's proposed rule change. The Investment Company Institute ("ICI") expressed general support for the NASD's initiative, but indicated a number of concerns about the proposal.<sup>6</sup> First the ICI believes the requirements that only registered principals may approve advertising and sales literature would impose unnecessary burdens on members. The ICI believes legal or compliance officers are, in most cases, more qualified to handle the review and approval of advertising and sales literature than are registered principals. The ICI argues that since most legal or compliance officers are not registered principals, members will be forced to register such officers as principals, transfer review procedures to less qualified principals, or allow principals to rely on the opinions of the officers. The ICI sees no benefit in achieving such results. The ICI recommends that, instead of disrupting an industry practice that appears to be working well, the NASD should deal directly with the problem firms.

The ICI also recommends that the proposal to require materials to be

<sup>6</sup> Letter from Craig S. Tyle, Vice President & Senior Counsel, Securities and Financial Regulation, Investment Company Institute, to Jonathan G. Katz, Secretary, SEC (June 30, 1995).

approved internally prior to filing with the NASD should be revised to state that the material is submitted on a voluntary basis. The ICI is concerned that the use of the term "accountable" in the Commission's release could be construed as an attempt to impose liability on members based on filing materials with the NASD.

Lastly, the ICI is concerned that the application of the rules to electronic communications would be inconsistent with the application of the rules with respect to other forms of communications. For example, the ICI claims that if a member sponsors an electronic bulletin board, the NASD proposal would not distinguish between member advertising and other material posted by the public. The ICI recommends that the definition of "advertisement" be revised to clarify that messages posted by the public on member sponsored bulletin boards are not included in the definition. Further, the ICI believes that the definition of "sales literature" is overbroad. The ICI is concerned that the definition would include a personalized message to a particular individual and, instead, recommends limiting the definition to form letters sent to individuals or targeted groups.

The second commenter strongly endorsed the comments made by the ICI.<sup>7</sup> In particular, this commenter was concerned about the proposed requirement relating to registered principal approval of advertising and sales literature and the proposed inclusion of the word "electronic" in the definitions of "advertisement" and "sales literature."<sup>8</sup>

The NASD responded to these comments in a letter dated July 24, 1995.<sup>9</sup> In response to the requirement that only registered principals will be able to approve advertising and sales literature, the NASD notes that while some unregistered legal or compliance officers perform the review function very well, the expertise and skill among the reviewers are inconsistent on an industry-wide basis and can result in inferior submissions to the NASD. The NASD believes that any burden imposed by the rule will be minimal. The NASD states that a significant number of firms have legal and compliance personnel that are already registered principals. Additionally, the NASD states that

under the rule as proposed, such personnel do not need to be registered to continue to review materials, as long as a registered principal approved the material prior to submission. Moreover, the NASD argues that the steps necessary to register such personnel, which includes a one-time examination, are not overly burdensome. The NASD believes the requirement that a registered principal assume final approval responsibility will help ensure a satisfactory level of review is conducted by all reviewers. The NASD concludes that the improvement of the efficiency and quality of the review process, and the resulting benefits to the investing public, far outweigh the burdens discussed by the commenters.

The NASD also responded to the commenters' concern that the requirement regarding internal approval by members prior to filing submissions with the NASD could be interpreted as an attempt to establish a standard of culpability. In its letter, the NASD states that the rule is not intended to attach liability to, or establish a standard of culpability for, prefiled material. Instead, the rule will ensure that member firms' communications are in reasonable compliance with relevant SEC and NASD rules prior to submission to the NASD for review. The NASD states that this requirement is consistent with SEC recommendations made pursuant to the Commission's inspection of the NASD's program for reviewing member communications with the public. Under the rule, deficient filings will be returned and, if a pattern of deficiency is discovered, an internal review of member procedures may be appropriate.

Finally, the NASD responded to the commenters concerns regarding the inclusion of the term "electronic" in the definitions of "advertisement" and "sales literature." The NASD states that the definition of advertisement in the proposed rule is not intended to apply to communications posted by members of the public on electronic bulletin boards sponsored by NASD members. The NASD claims that the definition of advertisement has never applied to communications by members of the general public. The NASD argues, therefore, that there is no need to amend the definition to clarify that it does not apply to communications by the general public.

The NASD also claims that the definition of sales literature in the proposed rule is not intended to apply to a personalized message sent to a particular individual via electronic mail. The NASD states that such messages are not treated as sales

literature but generally are treated as correspondence under Article III, Section 27(d) of the Rules of Fair Practice. The NASD stresses, however, that the definition of sales literature does apply to messages sent directly to targeted individuals or groups.

#### IV. Discussion

The Commission has determined to approve the NASD's proposal. The Commission finds that the rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, including the requirements of Section 15A(b)(6) of the Act.<sup>10</sup> Section 15A(b)(6) requires, in part, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; and to protect the public and the public interest.

The proposed rule change applies to member communication with the public. It will act to clarify issues regarding advertising and sales literature, as well as to codify existing rule interpretations regarding the scope of rules applicable to member recommendations.

The changes to the definitions of "advertisement" and "sales literature" will update those terms in an effort to alert members of their responsibilities when contacting the public via electronic means or by way of telemarketing scripts. The result should be reduced confusion among members and a more consistent application of NASD rules.

The proposed changes to the internal approval procedures will ensure an adequate degree of expertise and uniformity in the execution of such procedures. Further, the requirement that material be approved internally prior to filing with the NASD will ensure that members satisfy their existing compliance duties. The proposed amendment also will require members to include the actual or anticipated date that a particular communication will be published which will enable the NASD to enforce the existing rules regarding time tables for filing certain communications more effectively.

Lastly, the proposal will reduce member confusion by clarifying an existing interpretation with respect to recommendations made by members. The rules will be consistent with the existing practice of requiring the price at the time a recommendation is made to

<sup>7</sup> Letter from Laura Chasney, T. Rowe Price Associates, Inc., to Jonathan G. Katz, Secretary, SEC (July 5, 1995).

<sup>8</sup> *Id.* These concerns already have been summarized in the context of the ICI letter above.

<sup>9</sup> Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Mark P. Barracca, Branch Chief, SEC (July 24, 1995).

<sup>10</sup> 15 U.S.C. § 78o-3(b)(6).

apply only to recommendations for corporate equity securities.

All of the changes noted above will promote fairness and protect investors and the public. The changes will provide members with a greater understanding of their responsibilities when communicating with the public. This, in turn, should result in an improved level of compliance by members. Additionally, the NASD will be in a better position to monitor such compliance.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, the proposed rule change SR-NASD-95-12 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20152 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36075; File No. SR-PTC-95-05]

**Self-Regulatory Organizations; Participants Trust Company; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Establishing a New Category for Participant Eligibility**

August 9, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on August 1, 1995, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-PTC-95-05) as described in Items I and II below, which Items have been prepared primarily by PTC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change establishes a new category for participant eligibility for federally chartered corporations engaged in the purchase and/or securitization of mortgage-related assets.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, PTC 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. Summaries of the most significant aspects of such statements are set forth in sections A, B, and C below.<sup>2</sup>

**A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change**

**Background**

PTC was established as a depository to facilitate the prompt and accurate clearance and settlement of transactions in mortgage-backed securities. Participation criteria was established in accordance with the requirements of the Act and to allow appropriate eligible institutions to become participants. Article IV, Rule 1, Section 1 of PTC's rules lists the entities that are eligible to become participants and includes "firms in such other categories as the Corporation [PTC] from time to time may determine." These entities must satisfy the financial criteria set forth in Article IV, Rule 1, Section 3 which states that entities in categories established by PTC "shall maintain equity capital or regulatory capital in at least equivalent amounts \* \* \*" as other established categories of participants.

**Proposed Category of Eligibility**

The Federal National Mortgage Association ("FNMA") is currently a limited purpose participant and holds a face amount of \$100 billion of securities in its limited purpose account at PTC. A limited purpose participant, however, cannot receive deliveries against payment through PTC. FNMA therefore has sought to become a full purpose participant in PTC.

To facilitate the addition of FNMA and similar entities, such as the Federal Home Loan Mortgage Corporation ("FHLMC") and the Federal Agricultural Mortgage Corporation ("Farmer Mac"), as full purpose participants, PTC is seeking to establish a new category of participants.<sup>3</sup> The new category designation would be

"federally chartered corporations engaged in the purchase and/or securitization of mortgage-related assets."

PTC proposes that applicants in the new category be required to have equity capital of at least \$100 million. This amount is equivalent to the most stringent equity and regulatory capital standards required by PTC in other established participant categories.<sup>4</sup>

PTC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act<sup>5</sup> and the rules and regulations thereunder in that it facilitates the prompt and accurate clearance and settlement of securities transactions and provides for the safeguarding of securities and funds in PTC's custody or control or for which PTC is responsible.

**B. Self-Regulatory Organization's Statement on Burden on Competition**

PTC does not believe that the proposed rule change imposes any burden on competition.

**C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others**

PTC has neither solicited nor received comments on this proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Section 17A(b)(3)(F) of the Act<sup>6</sup> requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the addition of FNMA and similar entities as full purpose participants is consistent with these obligations. As full purpose participants these entities will be able to receive deliveries against payment through PTC, which as limited purpose participants they cannot do. This should allow entities such as FNMA and other federally chartered corporations whose transactions represent a substantial portion of the mortgage-backed securities market to conduct their purchase and

<sup>4</sup> Article IV, Rule 1, Section 3 of PTC's rules requires that bank applicants for full purpose participation shall maintain equity capital, determined in accordance with generally acceptable accounting principles, of at least \$100 million.

<sup>5</sup> 15 U.S.C. § 78q-1(b)(3)(F) (1988).

<sup>6</sup> 15 U.S.C. § 78q-1(b)(3)(F) (1988).

<sup>2</sup> The Commission has modified the text of the summaries prepared by PTC.

<sup>3</sup> FHLMC and Farmer Mac are not currently seeking to become full purpose participants in PTC.

<sup>11</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

securitization processes more efficiently.

In addition, applicants in the new category must satisfy financial criteria equivalent to the most stringent equity and regulatory capital standards required by PTC in other established participant categories. By requiring substantial capitalization, PTC protects itself and other participants from additional risk.

PTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds such good cause because FNMA and other similar entities are substantially similar to other PTC full purpose participants. They are financial institutions engaged in activities which are similar or comparable to the activities of other participants. Because FNMA and similar entities are institutions whose transactions represent a substantial portion of the mortgage-backed securities market, it is in the public interest to provide the most efficient method of processing for these products as expediently as possible. The staff of the Board of Governors of the Federal Reserve System has concurred with the Commission's granting of accelerated approval.<sup>7</sup>

#### 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, 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 will also be available for inspection and copying at the principal office of PTC. All submissions should refer to file number SR-PTC-95-05 and

should be submitted by September 5, 1995.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR-PTC-95-05) be and hereby is approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20153 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36066; File Nos. SR-MCC-94-01 and SR-MSTC-95-04]

#### Self-Regulatory Organizations; Midwest Clearing Corporation and Midwest Securities Trust Company; Order Approving Proposed Rule Changes Relating to Indemnification of Committee Members

August 7, 1995.

On February 8, 1995, and on February 14, 1995, the Midwest Clearing Corporation ("MCC") and the Midwest Securities Trust Company ("MSTC"), respectively, filed proposed rule changes (File Nos. SR-MCC-95-01 and SR-MSTC-95-04) with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> Notice of the proposed rule changes appeared in the **Federal Register** on April 13, 1995.<sup>2</sup> No comments on the proposals have been received by the Commission.

#### I. Description of the Proposals

The rule changes amended MCC's and MSTC's mandatory indemnifications requirements, which are forth in Article 6, Section 6.1 of MCC's By-Laws and in Article VI, Section 1 of MSTC's By-Laws. Pursuant to the amendments, MCC and MSTC shall indemnify to the fullest extent permitted by the General Corporation Law of Delaware<sup>3</sup> and the Business Corporation Act of the State of Illinois,<sup>4</sup> respectively, any person who was or who is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative by reason of the fact that the person is or was a member of a

committee of MCC or MSTC or is or was serving at MCC's or MSTC's request as a member of a committee of another corporation, partnership, joint venture, trust, or other enterprise. The rule changes provide members of MCC's and MSTC's committees, including members of their Risk Assessment Committees,<sup>5</sup> with the same indemnification that previously has been provided only to MCC's and MSTC's officers and directors.

#### II. Discussion

The Commission believes that the proposals are consistent with the Act and particularly with Section 17A of the Act.<sup>6</sup> Section 17A(b)(3)(H) of the Act<sup>7</sup> requires that the rules of a clearing agency provide fair disciplinary procedures with respect to the disciplining of participants, the denial of participation, and the prohibition or limitation by the clearing agency of any person regarding access to its services. Under the rules of MCC and MSTC, much of the determinations involved in such decisions has been delegated to committees, especially to the two Risk Management Committees.

The Commission believes that by affording appropriate protections to committee members, MCC and MSTC will remove impediments to attracting competent persons to serve on their committees, including the two Risk Assessment Committees. Accordingly, the Commission believes that these rule changes will, among other things, help MCC and MSTC to provide fair procedures, as required under the Act, with respect to the disciplining of their participants, the denial of participation to persons seeking participation in MCC or MSTC, and the prohibition or limitation of services to persons seeking access to MCC or MSTC.

#### III. Conclusion

For the reasons discussed above, the Commission believes that the proposals are consistent with the requirements of the Act, and particularly with Section 17A of the Act and the rules and regulations thereunder.

*It Is Therefore Ordered*, pursuant to Section 19(b)(2) of the Act,<sup>8</sup> that the

<sup>5</sup> Under MCC's and MSTC's rules, their Risk Assessment Committees have substantial authority. This includes, among other things, the authority to determine: (1) whether a participant that has failed to make timely payment to MCC or MSTC should continue as a participant, (2) whether a participant has been responsible for fraudulent or dishonest conduct, and (3) whether a participant poses a financial risk to MCC or MSTC.

<sup>6</sup> 15 U.S.C. § 78q-1 (1988).

<sup>7</sup> 15 U.S.C. § 78q-1(b)(3)(H) (1988).

<sup>8</sup> 15 U.S.C. § 78s(b)(2) (1988).

<sup>8</sup> 17 CFR 200.30-3(a)(12) (1994).

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> Securities Exchange Act Release No. 35569 (April 5, 1995), 60 FR 18864.

<sup>3</sup> MCC is incorporated under the laws of the State of Delaware.

<sup>4</sup> MSTC is incorporated under the laws of the State of Illinois.

<sup>7</sup> Telephone conversation between William R. Stanley, Board of Governors of the Federal Reserve System, and Ari Burstein, Division of market Regulation, Commission (August 7, 1995).

above-mentioned proposed rule changes (File Nos. SR-MCC-95-01 and SR-MSTC-95-04) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20154 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36077; File No. SR-NASD-95-28]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc., Regarding Trading in Anticipation of the Issuance of a Research Report**

August 9, 1995.

On May 25, 1995, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed a proposed rule change with the Securities and Exchange Commission ("SEC" or "Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The proposed rule change amends Article III, Section 1 of the NASD Rules of Fair Practice<sup>3</sup> by adding a new Interpretation prohibiting purposeful trading that affects a member firm's inventory position in a given security prior to the firm's issuance of a research report in that same security ("Interpretation").

Notice of the proposed rule change, together with the substance of the proposal as initially filed, was provided by issuance of a Commission release (Securities Exchange Release No. 35877, June 21, 1995) and by publication in the **Federal Register** (60 FR 33444, June 28, 1995). Two comment letters were received.<sup>4</sup> This order approves the proposed rule change.

**I. Introduction**

Certain broker-dealers that have research departments may prepare research reports for customers with respect to certain identified securities. A research report may advise customers to

buy or sell the security that is the subject of that report.

Certain of these broker-dealers may intentionally establish a proprietary position in the security that is to be the subject of a report in anticipation of meeting expected customer demand in response to the research report. A broker-dealer that intends to issue a positive research report may accumulate stock before issuing the research report. Once it issues the research report, it would then commence solicitation of orders, expecting to fill customers orders from the inventory position it has accumulated.

In 1991, the New York Stock Exchange ("NYSE"), in NYSE Information Memo 91-8, issued a policy statement regarding stock accumulations by a NYSE member organization in advance of that member's issuance of research reports. NYSE Information Memo 91-8 stated that an NYSE member organization would engage in conduct inconsistent with just and equitable principles of trade if it purposefully acquired a position in an NYSE-listed security in contemplation of its issuance of a favorable research report.

**II. Description and Scope of the Proposed Rule Change**

In 1994 the NASD solicited member comment on developing a formal policy deeming trading in anticipation of a research report to be a violation of Article III, Section 1 of the NASD Rules of Fair Practice. Purposeful inventory adjustments made in anticipation of customer trading activity as a result of the firm's research report could appear to, and at times would, conflict with the firm's fiduciary duties toward its customers. Therefore, the Interpretation approved today provides that an NASD member will violate just and equitable principles of trade if it purposefully adjusts its inventory position in a Nasdaq security, in an exchange listed security that is traded in the third market, or in a derivative product of any such security in anticipation of the issuance of a research report in that security. Such purposeful activity can create an appearance of impropriety that harms the perception of the marketplace and could cause a loss of investor confidence.

The Interpretation approved today is intended to enhance the overall perception of Nasdaq and the third market and encourage investors to participate in those markets, thereby promoting liquidity. The Interpretation also is intended to be consistent with the policy found in NYSE Information Memo 91-8, thereby promoting

consistency among self-regulatory organizations and helping to alleviate compliance burdens for member firms that operate in multiple markets. However, unlike NYSE Information Memo 91-8, the Interpretation also provides that a member firm will violate just and equitable principles of trade if it purposefully decreases or liquidates its position in a security because it was about to issue a negative research report.

The Interpretation applies to third market trading in listed securities that are the subject of a firm's research report as well as to Nasdaq securities. The Interpretation covers third market trading because there could be a significant gap in customer protection rules on exchange-listed securities traded in the third market absent the inclusion of those securities.

Finally, the Interpretation prohibits a member firm from attempting to do indirectly what it is not permitted to do directly. For example, a member firm may trade in options on an underlying security that is to be the subject of a research report in order to do by means of an economically equivalent transaction that which it would otherwise be prohibited from doing.

Therefore, the Interpretation prohibits a member firm from purposefully establishing, increasing, decreasing or liquidating a derivative security position in anticipation of the firm's issuance of a research report on the security underlying the derivative position.

The Interpretation specifically notes that it is intended to apply to situations in which the member firm "purposefully" alters its inventory position in anticipation of the issuance of a favorable or unfavorable research report in anticipation of meeting expected customer demand in response to the research report. The Interpretation is not intended to halt all of a firm's trading activity in that security. Even if the trading desk knows of a forthcoming research report on a particular security, it may continue to trade with its retail customers or with other broker-dealers if such trading arises from unsolicited order flow. The Interpretation also does not apply to situations where the firm conducts research solely for in-house use and such research is not made available for external distribution.

In addition, the Interpretation encourages but does not require firms to establish information barriers (also known as Chinese Wall procedures or Chinese Walls) to control the flow of information between their research and trading departments. Information barriers are risk management controls

<sup>9</sup> 17 CFR 200.30-3(a)(12) (1994).

<sup>1</sup> 15 U.S.C. § 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> NASD Manual, Rules of Fair Practice, Art. III, Sec. 1 (CCH) ¶ 2151.

<sup>4</sup> See Letter from Brian C. Underwood, Vice President-Director of Compliance, A.G. Edwards & Sons, Inc. ("A.G. Edwards"), to Jonathan G. Katz, Secretary, SEC, dated July 18, 1995 ("A.G. Edwards Letter"); and Letter from Joseph McLaughlin Esq., Brown & Wood, to Jonathan G. Katz, Secretary, SEC, dated July 21, 1995 ("Brown & Wood Letter").

adopted by securities firms between different departments of firms to enhance the likelihood that knowledge of upcoming events will be isolated within a single group and not disclosed to other groups that might trade on or otherwise benefit from the information. Because many firms today already use information barriers between the research and trading departments of their firms, the Interpretation encourages the use of information barriers as the preferred method of complying with the Interpretation. If a member determines not to implement information barriers, it would carry the significantly greater burden of proving that stock accumulations or liquidations prior to the issuance of a research report had not been purposeful if an NASD investigation into the firm's buying or selling activity were initiated.

### III. Summary of Comments

Two commenters objected to the Interpretation. A.G. Edwards stated that the Interpretation would adversely affect retail customers of a firm with an active research department. A.G. Edwards suggested that the Interpretation would prevent a firm from accumulating stock to satisfy expected customer demand once it issued a favorable research report. The A.G. Edwards Letter stated that a firm would need to use outside dealers in order to meet client demand for the security once the research report was issued. This, in turn, would cause the price of the security to rise, which would mean that retail orders would go unfilled or would be executed only at a price above the price at which the security was trading before the report was issued.

A.G. Edwards claimed that the Interpretation would discourage small issuers from issuing their securities because the Interpretation, if adopted, would discourage firms from initiating coverage of their securities. It also claimed that the Interpretation is flawed because it does not similarly prohibit firms from adjusting their inventory when conducting research not available for external distribution. A.G. Edwards suggested prohibiting firms from accumulating securities for a specified period in advance of the issuance of a favorable research report concerning the issuer of those securities, or requiring firms to sell accumulated securities to customers at a price based on the firm's average cost.

Brown & Wood also objected to the Interpretation. The Brown & Wood Letter stated that the Interpretation could not be intended to protect customers because it would apply not

only to trading with a firm's own customers but to any trading with any person. The Brown & Wood Letter stated that the Interpretation would discourage firms from maintaining research staffs, would encourage firms not to distribute research to their customers, would encourage other firms not to maintain research staffs and would cause firms to transfer the value of their research without compensation.

The Commission does not believe that the objections raised by these commenters warrant disapproval of the Interpretation. The Commission notes that trading ahead of research reports raises questions about the motivation of the firm in issuing the research report and about the quality of information within the research report. In this regard, the Commission notes that a firm preparing a research report concerning a security solely for "in-house" use cannot expect the report to affect public demand for the security; hence, such reports do not raise the same "trading ahead" concerns as do reports prepared for public investors.

Furthermore, the Commission does not believe that the prior accumulation of a security that is to be the subject of a favorable research report affects the level of investor demand for that security; therefore, the Commission does not believe that the Interpretation will cause firm customers to pay higher prices for the securities that are the subject of research reports than they would pay if firms could trade ahead of research reports.

The Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act in that the proposed rule change will increase investor confidence in the integrity of research reports, thereby protecting investors and the public interest.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR-NASD-95-28 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20155 Filed 8-14-95; 8:45 am]

**BILLING CODE 8010-01-M**

[Release No. 34-36070; International Series Release No. 837 File Nos. SR-Amex-94-55 and SR-CBOE-95-01]

### Self-Regulatory Organizations; American Stock Exchange, Inc., and Chicago Board Options Exchange, Inc., Order Approving Proposed Rule Changes Relating to the Listing and Trading of Warrants on the Deutscher Aktienindex ("DAX Index")

August 9, 1995.

#### I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> on December 5, 1994, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission ("Commission"), and on January 5, 1995, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Commission, proposed rule changes to list and trade warrants on the Deutscher Aktienindex ("DAX Index" or "Index"). The Amex and the CBOE are collectively referred to herein as the "Exchanges." Notices of the proposals appeared in the **Federal Register** on January 26, 1994.<sup>3</sup> The Commission received three comment letters concerning the proposed rule changes.<sup>4</sup> This order approves the Amex and the CBOE proposals.

#### II. Description of the Proposals

The Amex and the CBOE propose to list index warrants based on the DAX Index.

##### A. Composition and Maintenance of the Index

The DAX Index is a capitalization-weighted index of 30 German equity securities listed on the Frankfurt Stock Exchange ("FSE"). The capitalization of a particular stock in the Index is

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1994).

<sup>3</sup> See Securities Exchange Act Release Nos. 35249 (January 19, 1995), 60 FR 5236 (notice of File No. SR-Amex-94-55), and 35247 (January 16, 1995), 60 FR 5233 (notice of File No. SR-CBOE-95-01).

<sup>4</sup> All three letters were submitted on behalf of the Deutsche Börse AG, the Frankfurt Stock Exchange ("FSE"), and the Deutsche Terminbörse ("DTB"). The Deutsche Börse AG is a holding company formed in 1993 for the purpose of, among other things, assuming ownership and control of the FSE and the DTB. See Letter from Lawrence Hunt, Jr., Sidley & Austin, to Margaret McFarland, Deputy Secretary, Commission, dated March 21, 1995 (commenting on File No. SR-Amex-94-55), and letter from Lawrence Hunt, Jr., Sidley & Austin, to Margaret McFarland, Deputy Secretary, Commission, dated March 21, 1995, (collectively, "Comment Letters"). The commenters subsequently submitted a follow-up statement to the Comment Letters. See Letter from Lawrence Hunt, Jr., Sidley & Austin, to Margaret McFarland, Deputy Secretary, Commission, dated July 19, 1995 ("July 19 Letter").



calculated by multiplying its listed capital<sup>5</sup> by the price of the common stock (or if the common stock is not listed, the preferred stock) and a multiplier determined by the FSE. The stocks included in the DAX Index are among the largest German corporations, whose shares are among the most actively traded of German issuers. The Index is composed of securities representing more than ten broad industry groups, including chemicals, automobile manufacturers, banks, and insurance companies.<sup>6</sup>

The Index had a closing value of 2,184.33 on July 20, 1995. As of December 2, 1994, the 30 stocks comprising the Index ranged in individual market capitalizations from a low of approximately DM 1.17 billion (U.S. \$841.73 million)<sup>7</sup> to a high of approximately DM 50.59 billion (U.S. \$36.40 billion) with a mean capitalization of DM 13.88 billion (U.S. \$9.99 billion). Also as of that date, the five largest stocks in the Index accounted for approximately 43.69% of the total weight of the Index with no single security accounting for more than 12.15% of the weight of the Index. Average daily trading volume in the components of the Index for the period from June 1, 1994, through November 30, 1994, ranged from a low of 59,408 shares to a high of 1,042,280 shares, with an average daily trading volume for an Index component during that period of 338,449 shares.

#### *B. Calculation and Dissemination of the Index Value*

The value of the DAX Index is calculated every minute by the FSE from 10:30 a.m. to 1:30 p.m., Frankfurt time (4:30 a.m. to 7:30 a.m. Eastern time), based on last sale prices of the component stocks. The value of the Index is disseminated over Reuters News Service, among others. The value of the Index, however, is not disseminated by the FSE until opening

prices are available for at least 15 components of the Index representing at least 70% of the capitalization of the Index. Thereafter, with respect to any stock that has not yet opened for trading, the Index value is calculated using the previous day's closing price for those components.

In order to maintain continuity of the value of the Index, the FSE adjusts the Index to reflect certain events relating to the component stocks. For example, the FSE adjusts the Index value to reflect cash dividends paid on the component securities.<sup>8</sup> An adjustment is also applied by the FSE whenever a company issues new shares for which the shareholders have preemptive rights, or when other intra-year events, such as mergers and spinoffs, occur.

The number of listed shares of each stock used in the calculation of the value of the Index is updated by the FSE annually in September. At that time, the adjustment factors mentioned above, which reflect the dividend payments and/or intra-year adjustments, are re-scaled to one, with an additional adjustment made to maintain continuity in the value of the Index.

In addition, the composition of the Index is reviewed periodically by the FSE. It is the FSE's policy not to alter the composition of the DAX Index unless a stock ceases to meet the criteria that initially were the basis for including the stock in the Index. Replacements are usually made from a list of substitute stocks. If it is not possible to substitute a stock from the same industry group, a stock from another industry may be substituted.

#### *C. Index Warrant Trading*

The Amex proposes to list DAX Index warrants pursuant to Section 106 of the Amex Company Guide ("Guide"). Under Amex's rules, the Amex may approve for listing warrants on established foreign and domestic market indexes. The CBOE has similar authority to list warrants on foreign indexes pursuant to CBOE Rule 31.5(E).

The Amex and the CBOE represent that Index warrant issues will conform to the index listing guidelines contained in Section 106 of the Guide and CBOE Rule 31.5(E), respectively. Specifically, the listing guidelines of the Exchanges require that: (1) issuers of DAX Index warrants will have assets in excess of

\$100,000,000 and otherwise substantially exceed the Exchanges' size and earnings requirements;<sup>9</sup> (2) the term of warrants will be for a period ranging from one to five years from the date of issuance; and (3) the minimum public distribution of such issues will be 1,000,000 warrants, with as minimum of 400 public holders, and a minimum aggregate market value of \$4,000,000.

The Exchanges will apply the same margin treatment for the purchase of Index warrants as they require for listed options.<sup>10</sup>

The proposed Index warrants will be direct obligations of their issuers subject to cash-settlement in U.S. dollars, and either exercisable throughout their life (*i.e.*, American-style) or exercisable only immediately prior to their expiration date (*i.e.*, Europe-style). Upon exercise, the holder of an Index warrant structured as a "put" will receive payment in U.S. dollars to the extent that the DAX Index has declined below a cash settlement value specified at the time of issuance. Conversely, upon exercise, holders of an Index warrant structured as a "call" will receive payment in U.S. dollars to the extent that the DAX Index has increased above a cash settlement value specified at the time of issuance. Index warrants that are "out-of-the-money" at the time of expiration will expire worthless.

Because index warrants are derivative in nature and closely resemble index options, the Exchanges will also require that DAX Index warrants be sold only to customers whose accounts have been approved for options trading.<sup>11</sup> Second, the Exchanges' options suitability standards will apply to recommendations in Index warrants.<sup>12</sup> Third, the exchanges' rules regarding discretionary orders will also apply to transactions in Index warrants.<sup>13</sup>

Prior to the commencement of trading of Index warrants, the Exchanges will distribute circulars to their members calling attention to certain compliance responsibilities when handling transactions in Index warrants.

<sup>9</sup> See Amex Guide Section 101 and CBOE Rule 31.5A.

<sup>10</sup> Telephone conversation between Claire McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, and Brad Ritter, Senior Counsel, Office of Market Supervision, Division of Market Regulation, Commission, on July 21, 1995. See Amex Rule 462 and CBOE Rule 12.3.

<sup>11</sup> See Amex Rule 921 and CBOE Rule 9.7.

<sup>12</sup> See Amex Rule 411, Commentary .02 and CBOE Rule 9.9.

<sup>13</sup> See Amex Rule 421, Commentary .02 and CBOE Rule 30.50, Interpretation .04 (requiring that the standards of Rule 9.10 be applied to index warrant transactions).

<sup>5</sup> Listed capital for a component security is determined based on an issuer's preferred and common shares registered for trading on the FSE. This is different from domestic capitalization-weighted indexes, such as the S&P 500 Index, the values of which are calculated based only on the shares of the issuer's common stock.

<sup>6</sup> The components of the Index are: Allianz AG Holdings; BASF AG; Bayer AG; Bayer Hypo/Wech; BMW; Bayer Vereinsbank AG; Commerzbank AG; Continental AG; Daimler-Benz AG; Deutsche Babcock AG; Deutsche Bank AG; Degussa AG; Dresdner Bank AG; Henkel KGAA-Pfd; Hoechst AG; Karstadt AG; Kaufhof Holdings AG; Lufthansa AG; Linde AG; Man AG; Metallgesellschaft; Mannesmann AG; Preussag AG; RWE AG; Schering AG; Siemens AG; Thyssen AG; Veba AG; Viag AG; and Volkswagen AG.

<sup>7</sup> Based on a current German mark/U.S. dollar exchange rate of approximately DM 1.39/U.S. \$1.

<sup>8</sup> The FSE makes this adjustment because German companies usually pay their dividends only once per year (generally in June or July). If not adjusted, the annual dividend payment would result in a significant drop in the value of the Index at the time when the dividends are paid. As a result, the FSE calculates the dividend adjustment such that share prices reflect full dividend reinvestment.

### D. Surveillance

The Exchanges will use their existing surveillance procedures to monitor trading in Index warrants. The Exchanges represent that they are currently negotiating to enter into separate surveillance sharing agreements with the FSE.

Both the Amex and the CBOE have submitted to Commission approval a proposed rule change governing, among other things, customer protection and margin requirements for stock index warrants, currency index warrants, and currency warrants.<sup>14</sup> DAX Index warrants issued subsequent to approval of those proposals will be subject to these new rules.

### III. Comment Letters

Three comment letters were received by the Commission—one discussing the CBOE proposal, one discussing the Amex proposal, and one follow-up letter discussing both proposals. All three comment letters were submitted on behalf of the Deutsche Börse AG, DTB, and FSE. The first two letters received raised the same issues concerning the respective proposals.<sup>15</sup> The commenters assert that the FSE has a proprietary interest in the DAX Index which vests the FSE with the exclusive right to license its use for trading index products based on the DAX Index. According to the commenters, even if the Amex and CBOE had any rights to use the DAX Index or the "DAX" name, those rights either lapsed or were terminated by the Deutsche Börse AG.<sup>16</sup> As a result, the commenters argue that the proposals raise issues concerning intellectual property rights which should be resolved prior to Commission approval of the proposals.

Similarly, the commenters also assert that all surveillance agreements between the FSE and each of the Exchanges have either lapsed or been terminated by the Deutsche Börse AG.<sup>17</sup> As a result, the commenters conclude that it would be impossible for the Commission to find that the proposed DAX Index warrants would not be susceptible to manipulation. The commenters, however, have informed the

Commission that the Deutsche Börse AG is currently negotiating with the CBOE and the Amex for purposes of entering into market surveillance agreements with each Exchange.<sup>18</sup>

Based on these arguments, the commenters conclude that it would be inappropriate for the Commission to approve the proposed rule changes until these issues are resolved.<sup>19</sup>

### IV. Commission Findings

The Commission finds that the proposed rule changes are 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(b)(5) of the Act.<sup>20</sup> Specifically, the Commission believes that the trading of warrants based on the DAX Index will serve to protect investors, promote the public interest, and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with the German equity market and provide a surrogate instrument for trading in the German securities market.<sup>21</sup> The trading of warrants based on the DAX Index should provide investors with a valuable hedging vehicle that should reflect accurately the overall movement of the German equity market.

In addition, the Commission believes, for the reasons discussed below, that the Amex and the CBOE have adequately addressed issues related to customer protection, index design, surveillance, and market impact of DAX Index warrants.

#### A. Customer Protection

Due to the derivative nature of index warrants, the Commission believes that DAX Index warrants should only be sold to investors capable of evaluating and bearing the risks associated with trading in such instruments and that adequate risk disclosure be made to investors. In this regard, the Commission notes that the rules and procedures of the Exchanges that address the special concerns attendant

to the secondary market trading of index warrants will be applicable to DAX Index warrants. In particular, by imposing the special suitability, account approval, disclosure, and compliance requirements noted above, the Amex and the CBOE have adequately addressed potential public customer problems that could arise from the derivative nature of DAX Index warrants. Moreover, the Amex and the CBOE plan to distribute circulars to their members identifying the specific risks associated with warrants on the DAX Index. Finally, pursuant to the Exchanges' listing guidelines, only substantial companies capable of meeting their warrant obligations will be eligible to issue DAX Index warrants.

#### B. Index Design and Structure

The Commission finds that it is appropriate and consistent with the Act to classify the Index as a broad-based index. Specifically, the Commission believes the Index is broad-based because it reflects a substantial segment of the German equity market. First, the Index consists of 30 actively traded stocks listed by the FSE. Second, the market capitalizations of the stocks comprising the Index are very large. Specifically, the total capitalization of the Index, as of December 2, 1994, was approximately U.S. \$299.55 billion, with the market capitalizations of the individual stocks in the Index ranging from a high of \$36.40 billion to a low of \$841.73 million, with a mean value of \$9.99 billion.<sup>22</sup> Third, no one particular stock or group of stocks dominates the weight of the Index. Specifically, as of December 2, 1994, no single stock accounted for more than 12.15% of the Index's total value, and the percentage weighting of the five largest issues in the Index accounted for 43.69% of the Index's value. Accordingly, the Commission believes it is appropriate to classify the Index as broad-based.

#### C. Surveillance

As a general matter, the Commission believes that comprehensive surveillance sharing agreements between the relevant foreign and domestic exchanges are important where an index derivative product based on foreign securities is to be traded in the United States.<sup>23</sup> In most

<sup>14</sup> See Securities Exchange Act Release Nos. 35086 (December 12, 1994), 59 FR 65561 (December 20, 1994) (notice of File No. SR-Amex-94-38), and 35178 (December 29, 1994), 60 FR 2409 (January 9, 1994) (notice of File No. SR-CBOE-94-34).

<sup>15</sup> See Comment Letters, *supra* note 4.

<sup>16</sup> *Id.* The commenters, however, have informed the Commission that the Deutsche Börse AG is currently negotiating with the CBOE and the Amex for purposes of licensing the DAX Index and the DAX name to the Exchanges for purposes of listing DAX Index warrants. See July 19 Letter, *supra* note 4.

<sup>17</sup> See Comment Letters, *supra* note 4.

<sup>18</sup> See July 19 Letter, *supra* note 4.

<sup>19</sup> See Comment Letters, *supra* note 4.

<sup>20</sup> 15 U.S.C. § 78f(b)(5) (1988).

<sup>21</sup> Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such product is in the public interest. Such a finding would be difficult with respect to a warrant that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

<sup>22</sup> These figures are based on the German mark values as of December 2, 1994, but converted to dollars using the current exchange rate of approximately DM 1.39/U.S. \$1.00.

<sup>23</sup> A comprehensive surveillance sharing agreement would allow the parties to the agreement to obtain relevant surveillance information,

cases, in the absence of such a comprehensive surveillance sharing agreement, the Commission believes that it would be difficult to conclude that an exchange listing a derivative product, such as a DAX Index warrant, would be able to monitor effectively trading involving the derivative product. Indeed, in commenting on the DTB's application to offer and sell DAX Index futures to U.S. persons, the Commission relied, in part, on the existence of a surveillance sharing agreement between the FSE and the DTB.<sup>24</sup>

With regard to the Amex and CBOE proposals, the Commission would prefer that comprehensive surveillance agreements be in place, and believes that such agreements play a particularly important role in ensuring the integrity of global securities markets. The Deutsche Börse AG, however, terminated license and market surveillance agreements between the FSE and the Exchanges as part of a now completed strategic review relating to competitive concerns surrounding the trading of the DAX Index products by the Exchanges.<sup>25</sup> Since completion of the strategic review, the Deutsche Börse AG has decided to commence active negotiations with the Exchanges regarding their listing and trading of DAX Index warrants and for the purpose of entering into new market surveillance sharing agreements.<sup>26</sup> The Commission views these new efforts favorably, and believes that a major market such as the FSE should readily enter into comprehensive surveillance sharing agreements.<sup>27</sup> Even in the absence of such agreements, however, the Commission does not believe that the Exchanges' proposals should continue to be detained pending the conclusion of these negotiations when an alternative with respect to obtaining

including, among other things, the identity of the ultimate purchasers and sellers of securities.

<sup>24</sup> See Letter to Elisse B. Walter, General Counsel, Commodity Futures Trading Commission ("CFTC"), from Brandon Becker, Director, Division of Market Regulation ("Division"), Commission, dated November 21, 1994.

<sup>25</sup> See July 19 Letter, *supra* note 4. The commenters stated that "[b]ecause of the amount of work and discretion involved in maintaining the DAX Index, under both federal and state law, [the FSE] has a proprietary interest in its Index, which vests it with the exclusive right to license its use for trading in stock index products." See Comment Letters, *supra* note 4.

<sup>26</sup> See July 19 Letter, *supra* note 4.

<sup>27</sup> Ideally, such agreements should be broad in nature rather than designed to cover a specific product, such as DAX Index warrants. The absence of broad surveillance agreements slows down the introduction of new international products by forcing the relevant exchanges to amend product-specific surveillance sharing agreements every time a new product is introduced.

surveillance information exists for the DAX Index products. Specifically, the U.S. Department of State and the German Foreign Office have exchanged Diplomatic Notes that provide a framework for mutual assistance in investigatory and regulatory matters ("Diplomatic Notes").<sup>28</sup> The Diplomatic Notes confirm that the Commission is qualified to obtain assistance through the German Ministry of Justice under German law. Based on the existence of the Diplomatic Notes, the Commission believes that the German governmental authorities are committed to assistance in addressing cross-border fraud. In addition, the Commission could obtain from the German Ministry of Justice (and vice versa) information similar to that which would be available in the event that a comprehensive surveillance sharing agreement were executed between the FSE and the Amex and the CBOE with respect to transactions in FSE-traded stocks related to DAX Index warrant transactions on the Amex and the CBOE.<sup>29</sup> While this arrangement would certainly be enhanced by the existence of comprehensive surveillance sharing agreements, it is nonetheless consistent with other instances where the Commission has explored alternatives to direct exchange-to-exchange surveillance sharing agreements where the relevant foreign exchange was unwilling or unable to enter into a comprehensive surveillance sharing agreement.<sup>30</sup>

In addition, the Commission notes that there are factors relating to the computation of the DAX Index that further support reliance on arrangements other than direct exchange-to-exchange surveillance agreements. Specifically, the size of the market for the securities underlying the DAX Index makes it less likely that the proposed Index warrants are readily susceptible to manipulation.<sup>31</sup> For

<sup>28</sup> See International Series Release No. 691, 1994 SEC LEXIS 2324 (July 22, 1994).

<sup>29</sup> It is the Commission's expectation that this information would include transaction, clearing, and customer information necessary to conduct an investigation relating to trading in DAX Index warrants or components of the DAX Index.

<sup>30</sup> See, e.g., Letter to David R. Merrill, Deputy General Counsel, CFTC, from Brandon Becker, Director, Division, Commission, dated April 20, 1994 (Commission comment letter to the CFTC regarding the offer by the Osaka Securities Exchange of futures contracts based on the Nikkei 300 Index to U.S. persons), and letter to Joanne T. Medero, General Counsel, CFTC, from William H. Heyman, Director, Division, Commission, dated January 16, 1992 (Commission comment letter to the CFTC regarding the offers by the Osaka Stock Exchange and the Tokyo Stock Exchange of futures contracts based on the Nikkei 225 and TOPIX Indexes to U.S. persons).

<sup>31</sup> In evaluating the manipulative potential of a proposed index derivative product, as it relates to

example, as of December 2, 1994, the market capitalization of the securities in the Index ranged from a low of approximately U.S. \$841 million to a high of approximately U.S. \$36 billion, and the average trading volume for individual Index component securities during the period from June 1, 1994, through November 30, 1994, ranged from a low of 59,408 shares per day to a high of over one million shares per day.

The Commission continues to believe strongly that the existence of comprehensive surveillance sharing agreements between the appropriate German entity(ies)<sup>32</sup> and each of the Exchanges would be important measures to deter and detect potential manipulations or other improper or illegal trading involving DAX Index warrants. Accordingly, the Commission urges the German parties and the Exchanges to continue in their present negotiations with the goal of finalizing formal comprehensive surveillance sharing agreements covering DAX Index warrants and the securities contained in the DAX Index as soon as practicable.<sup>33</sup>

#### *D. Commission Response to Comment Letters*

The comment letters received by the Commission in response to the proposed rule changes raise two issues—one concerning the potential for manipulation as a result of the lack of surveillance sharing agreements between the American and German exchanges, and the other concerning the FSE's intellectual property rights in the DAX Index and the DAX name.<sup>34</sup>

As stated above, the Commission believes that, even though new surveillance sharing agreements between the Deutsche Börse AG and the Exchanges have not yet been finalized, the Diplomatic Notes provide, in the interim, both the Commission and the German Ministry of Justice with the ability to obtain and share information necessary, among other things, to investigate suspected attempts at manipulation of the trading of DAX

the securities that comprise the index and the index product itself, the Commission has considered several factors, including, among others, (1) the number of securities contained in the index or group, (2) the capitalizations of those securities, (3) the depth and liquidity of the group or index, (4) the diversification of the group or index, (5) the manner in which the index or group is weighted, and (6) the ability to conduct surveillance on the product. See Securities Exchange Act Release No. 31016 (August 11, 1992), 57 FR 37012 (August 17, 1992).

<sup>32</sup> This would probably be the FSE and/or the Deutsche Börse AG. See July 19 Letter, *supra* note 4.

<sup>33</sup> See *supra* notes 23 and 27.

<sup>34</sup> See Section III, *supra*.

Index warrants at the Exchanges and of the securities of which the DAX Index is composed. As a result, the Commission believes that the trading of DAX Index warrants by the Exchanges in the absence of comprehensive surveillance sharing agreements between the Exchanges and the relevant German entity(ies) does not raise any significant regulatory concerns.

Similarly, the Commission believes that the commenters' concerns over the FSE's proprietary interest in the DAX Index and the DAX name do not preclude the Commission from approving the proposed rule changes. Specifically, to the extent that the commenters' argument raises a claim of misappropriation or infringement of a protected property right, the Commission believes it is inappropriate for the Commission to attempt to resolve these issues in a proceeding involving the approval of an exchange's proposed rule change under the federal securities laws. To take such delaying action whenever a third party claim is asserted could stifle Commission review of new products proposed by self-regulatory organizations. The plain language of the U.S. securities laws does not suggest that Congress intended that the Commission attempt, in the context of an approval proceeding for a securities product, to resolve intellectual property right claims that can be pursued elsewhere.<sup>35</sup> Accordingly, the commenters' assertions do not form a basis for the Commission to either disapprove or delay approval of the Exchanges' proposals.<sup>36</sup>

## V. Conclusion

For the reasons described above, the Commission finds that the proposed rule changes by the Exchanges are 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(b)(5).<sup>37</sup> Specifically, the Commission finds that the listing and trading of warrants based on the DAX Index will serve to promote the public interest and help to remove

impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with the German equity market and provide a surrogate instrument for trading in the German securities market.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>38</sup> that the proposed rule changes (File Nos. SR-Amex-94-55 and SR-CBOE-95-01), are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>39</sup>

**Jonathan, G. Katz,**  
Secretary.

[FR Doc. 95-20157 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36092; File No. SR-CSE-95-03, Amendment No. 1]

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by The Cincinnati Stock Exchange, Inc. Relating to Customer Order Executions

August 11, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on August 11, 1995, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("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 CSE hereby proposes to adopt certain order exposure and limit order protection policies for Exchange Rules 11.9(u) and 12.10.

The text of the proposed rule change is as follows, where additions are italicized and deletions are [bracketed].

Rule 11.9(u)

No Change

Interpretations and Policies:

#### .01 Price Improvement Opportunity

*Consistent with his or her agency responsibility to exercise due diligence, a member must comply with the following procedures which provide the opportunity for public agency buy/sell*

*orders to receive a price lower/higher than the disseminated national best offer/bid.*

*(a) Market Order Exposure—Except under unusual market conditions or if it is not in the best interest of the customer, when the spread between the national best bid and offer is greater than the minimum price variation, a member must either immediately execute the order at an improved price or expose the order on the Exchange for a minimum of thirty seconds in an attempt to improve the price.*

#### .02 Limit Order Protection

*Public agency limit orders shall be filled if one of the following conditions occur:*

*(a) the bid or offering at the limit price has been exhausted in the primary market (NOTE: orders will be executed in whole or in part, based on the rules of priority and precedence, on a share for share basis with trades executed at the limit price in the primary market);*

*(b) there has been a price penetration of the limit in the primary market; or*

*(c) the issue is trading at the limit price on the primary market unless it can be demonstrated that such order would not have been executed if it had been transmitted to the primary market or the customer and the Designated Dealer agree to a specific volume related or other criteria for requiring a fill.*

*In unusual trading situations, a Designated Dealer may seek relief from the above requirements from two Trading Practices Committee members or a designated member of the Exchange staff who would have the authority to set execution prices.*

Rule 12.10 Best Execution

No Change

Interpretations and Policies

.01 As part of a member's fiduciary obligation to provide best execution for its customer orders, the member shall expose on the Exchange [to the national market system] all or a representative portion of any public agency limit order which is priced either on or between the national best bid and offer, unless:

*(i) such order is immediately executed; or*

*(ii) the customer expressly requests that the order not be exposed.*

*If a representative portion of his or her limit order is executed, a member must treat the remainder of the order as a new order for the purpose of compliance with the Exchange's limit order exposure policy.*

<sup>35</sup> Congress has enacted an elaborate statutory framework for the establishment, preservation, and protection of intellectual property rights and has established specific federal agencies to administer these laws. Separate state causes of action also may be available to the holders of these proprietary rights, as well as possible recourse to German laws.

<sup>36</sup> See Securities Exchange Act Release Nos. 26709 (April 11, 1989), 54 FR 15280 (April 17, 1989) (order approving the listing of index participations by the Amex, CBOE, and Philadelphia Stock Exchange), and 28475 (September 27, 1990), 55 FR 40492 (October 3, 1990) (order approving the trading by the Amex of options on the Japan Index).

<sup>37</sup> 15 U.S.C. § 78f(b)(5) (1988).

<sup>38</sup> 15 U.S.C. § 78s(b)(2) (1984).

<sup>39</sup> 17 CFR 200.30-3(a)(12) (1994).

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of the proposed rule change is to continue the efforts of The Cincinnati Stock Exchange to improve the quality of its market. Specifically, the Exchange is proposing to codify certain requirements with respect to order exposure and limit order protection. These requirements will ensure that customer orders receive (1) an opportunity to obtain an improved price, and (2) at a minimum, as good an execution as that which is provided by the primary markets.

Exception language to specific exposure requirements has been included in order to assure the public that a broker-dealer will always act in a manner consistent with his or her fiduciary responsibility as agent. For example, it may not be in the best interest of the customer to always expose an order for thirty seconds in a fast market or to expose all of an order if such order is for a large size.

#### 2. Statutory Basis

The CSE believes that the proposed rule change is consistent with Section 6(b) of the act in general and furthers the objectives of Section 6(b)(5) in particular in that it will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

On August 3, 1995, the Exchange solicited comments from the participants of the Intermarket Trading System. No comments were received prior to filing the proposed rule change with the Commission.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days 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:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and exchange Commission, 450 Fifth Street, N.W., 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR-CSE-95-03, Amendment No. # 1 and should be submitted by September 5, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-20251 Filed 8-14-95; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 02/72-0555]

### RFE Investment Partners V, L.P.; Notice of Increase in Private Partnership Capital

On July 17, 1995, RFE Investment Partners V, L.P., a Delaware limited partnership and SBIC Licensee number 02/72-0555 notified the SBA pursuant to Section 107.102(b) of the Regulations governing small business investment companies (13 C.F.R. 107.102(b) (1995)) of an increase in its private partnership capital. Effective June 23, 1995, the Licensee admitted the following entity as an additional limited partner with an ownership interest in limited partnership in excess 10.0%:

*Name of entity:* Bank of New York as

Trustee for the Pacificorp Retirement Plan

Percent of ownership interest: 20.6

Pursuant to Section 107.103 (134 C.F.R. 107.103 (1995)), notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the admission of this entity into the SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New Canaan, Connecticut.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: August 10, 1995.

**Robert D. Stillman,**

*Associate Administrator for Investment.*

[FR Doc. 95-20107 Filed 8-14-95; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

[Public Notice 2234]

### Shipping Coordinating Committee, Subcommittee for the Prevention of Marine Pollution; Notice of Meeting

The Subcommittee for the Prevention of Marine Pollution (SPMP), a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting on September 6, 1995, at 9:30 AM in Room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting will be to review the agenda items to be considered at the thirty-seventh session of the Marine Environment Protection Committee (MEPC 37) of the International Maritime Organization

(IMO) to be held from September 11–15, 1995. Proposed U.S. positions on the agenda items for MEPC 37 will be discussed.

The major items for discussion will be the following:

1. Prevention of oil pollution. Work will continue on guidelines for implementation of Regulations 13F and 13G to Annex I of The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). This will include considering finalization of interim guidelines for structural and operational requirements for existing ships, equivalences for double-hulls for new ships, and guidelines for enhanced inspections.

2. Implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC). An IMO working group will address topics such as development of model pollution response courses, expansion of the OPRC Convention to include hazardous and noxious substances, and work to update IMO guidelines on salvage.

3. Follow-up action to the United Nations Conference on Environment and Development (UNCED). An MEPC working group will examine IMO's role in implementation of UNCED, which will include the development of "Precautionary Approach Guidelines."

4. Unwanted aquatic organisms in ballast water. A working group will discuss a possible technical annex to MARPOL 73/78 to prevent the introduction of exotic species through discharge of ballast water.

5. Enforcement of Pollution Conventions. A working group will consider for adoption refuse record keeping amendments to Annex V of MARPOL 73/78 proposed by the United States.

6. Development of a draft MARPOL Annex VI (Air Pollution) regulations.

7. The future work program of the MEPC.

Members of the public may attend these meetings up to the seating capacity of the room.

For further information or documentation pertaining to the SPMP meeting, contact Lieutenant Commander Ray Perry, U.S. Coast Guard Headquarters (G-MEP-3), 2100 Second Street, S.W., Washington, D.C. 20593-0001, Telephone: (202) 267-0423.

Dated: August 2, 1995.

**Charles A. Mast,**

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 95-20075 Filed 8-14-95; 8:45 am]

BILLING CODE 4710-70-M

**[Public Notice 2236]**

**Shipping Coordinating Committee,  
Subcommittee on Safety of Life at Sea,  
Working Group on Safety of  
Navigation; Notice of Meeting**

The Working Group on Safety of Navigation of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an opening meeting at 9:30 a.m. on Thursday, September 7, 1995, in room 6319, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC.

The purpose of the meeting is to prepare for the 41st session of the Subcommittee on Safety of Navigation (NAV) of the International Maritime Organization (IMO) which is tentatively scheduled for September 18–22, 1995, at the IMO Headquarters in London.

Items of principal interest on the agenda are:

- Role of the human element in maritime casualties
- Routing of ships and related matters
- Vessel Traffic Services (VTS) and ship reporting
- Navigational aids and related matters
- Revision of SOLAS chapter V
- Bridge procedures and standardization of essential bridge and engine room instrumentation
- Ergonomic criteria for bridge equipment
- International Code of Signals
- Special signals for use by ships under attack or threat of attack by pirates and armed robbers
- Review of World Meteorological Organization (WMO) handbooks on navigation in areas affected by sea-ice
- Standard marine communication phrases
- Removal of wrecks and towage of offshore installations, structures, and platforms
- Review of the Code for the Safe Carriage of Irradiated Nuclear Fuel (INF Code)
- Operational aspects of Wing in Ground (WIG) craft
- Safety of passenger submersible craft
- Code for safe navigation and watchkeeping
- Review of reporting requirements in IMO instruments

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Edward J. LaRue, Jr., U.S. Coast Guard (G-NVT-3), Room 1409, 2100 Second Street SW., Washington, DC 20593-0001 or by calling: (202) 267-0416.

Dated: August 3, 1995.

**Charles A. Mast,**

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 95-20076 Filed 8-14-95; 8:45 am]

BILLING CODE 4710-07-M

**[Public Notice 2235]**

**Defense Trade Advisory Group;  
Partially Closed Meeting**

The Defense Trade Advisory Group (DTAG) will meet beginning at 10:00 A.M. on Wednesday, September 20, 1995 in the Loy Henderson Conference Room, U.S. Department of State, 2201 C Street NW., Washington, DC 20520. This advisory committee consists of private sector defense trade specialists who advise the Department on policies, regulations, and technical issues affecting defense trade.

The DTAG will first meet in open session. The open session will include speakers from the Bureau of Political-Military Affairs and reports on DTAG Working Group progress, accomplishments, and future projects. Members of the public may attend the open session as seating capacity allows, and will be permitted to participate in the discussion in accordance with the Chairman's instructions.

As access to the Department of State is controlled, persons wishing to attend the meeting must notify the DTAG Executive Secretariat by Friday, September 8, 1995. Each person should provide his or her name, company or organizational affiliation, date of birth, and social security number to the DTAG Secretariat at telephone number (202) 647-4231 or fax number (202) 647-4232 (Attention: Unita Williams). A list will be made up for Diplomatic Security and the Reception Desk at the C-Street diplomatic entrance. Attendees must carry a valid photo ID with them. They should enter the building through the C-Street diplomatic entrance (21st and C Streets, NW.), where Department personnel will direct them to the Loy Henderson auditorium.

Following the open portion of the meeting, briefings that the Department of State will arrange for DTAG members will involve discussions of classified information pursuant to Executive Order 12356. The disclosure of classified and/or proprietary information essential to formulating U.S. defense trade policies would substantially undermine U.S. defense trade relations with foreign competitors. Therefore, these segments of the meeting will be closed to the public, pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5

U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9)(B).

For further information, contact Linda Lum of the DTAG Secretariat, U.S. Department of State, Office of Export Control Policy (PM/EXP), Room 2422 Main State, Washington, DC, 20520-2422. She may be reached at telephone number (202) 647-0137 or fax number (202) 647-4232.

Dated: July 25, 1995.

**Martha C. Harris,**

*Deputy Assistant Secretary for Export Controls, Bureau of Political-Military Affairs.*

[FR Doc. 95-20077 Filed 8-14-95; 8:45 am]

BILLING CODE 4710-25-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Maintenance Issues—New Task

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

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** Notice is given of a new task assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

#### FOR FURTHER INFORMATION CONTACT:

Frederick J. Leonelli, Assistant Executive Director for Air Carrier/General Aviation Maintenance Issues, Flight Standards Service (AFS-300), 800 Independence Avenue SW., Washington, DC 20591, telephone: (202) 267-3546; fax: (202) 267-5230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize its Federal Aviation Regulations (FAR) and practices with its trading partners in Europe and Canada.

One area ARAC deals with is air carrier/general aviation maintenance issues. These issues involve mechanic certification and approved training schools outlined in parts 65 and 147 and the maintenance standards for parts

23, 25, 27, 29, 31, 33, and 35 aircraft, engines, propellers, and their component parts and parallel provisions in parts 21, 43, 91, 121, 125, 127, 129, 133, 135, and 137 of the Federal Aviation Regulations, which are the responsibility of the FAA Director, Flight Standards Service.

#### The Task

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendation on the following task:

Review Title 14 of the Code of Federal Regulations, Chapter I: Federal Aviation Administration, Department of Transportation, and supporting policy and guidance material for the purpose of determining the course of action to be taken for rulemaking and/or policy relative to the issue of requirements for maintenance and preventive maintenance training programs, specifically as they pertain to Sections 121.375 and 135.433 of the Federal Aviation Regulations.

The FAA also has asked that ARAC determine if rulemaking action (e.g., NPRM) should be taken, or advisory material should be issued. If so, ARAC has been asked to prepare the necessary documents, including economic analysis, to justify and carry out its recommendation(s).

#### ARAC Acceptance of Task

ARAC has accepted the task and has chosen to establish a new Maintenance Training Program Working Group. The working group will serve as staff to ARAC to assist the ARAC in the analysis of the assigned task. Working group recommendations must be reviewed and approved by ARAC. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations.

#### Working Group Activity

The Maintenance Training Program Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the meeting of ARAC to consider air carrier/general aviation maintenance issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.
3. For each task, draft appropriate regulatory documents with supporting economic and other required analyses, and/or any other related guidance

material or collateral documents the working group determines to be appropriate; or, if new or revised requirements or compliance methods are not recommended, a draft report stating the rationale for not making such recommendations.

4. Provide a status report at each meeting of ARAC held to consider air carrier/general aviation maintenance issues.

#### Participation in the Working Group

The Maintenance Training Program Working Group will be composed of experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair, the assistant executive director, and the working group chair, and the individual will be advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC will be open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Maintenance Training Program Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on August 9, 1995.

**Frederick J. Leonelli,**

*Assistant Executive Director for Air Carrier/General Aviation Maintenance Issues, Aviation Rulemaking Advisory Committee.*

[FR Doc. 95-20129 Filed 8-14-95; 8:45 am]

BILLING CODE 4910-13-M

#### International Civil Aviation Organization (ICAO), Committee On Aviation Environmental Protection (CAEP)

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

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise interested parties of a briefing to be given by The Office of Environment and Energy on the status of the ICAO/CAEP process to be held on September 15, 1995. The ICAO/CAEP is a group of aviation experts from government and industry responsible for recommending international noise and emissions standards for civil aircraft and engines. The current status of the ICAO/CAEP process including formulation of a U.S. position for the forthcoming CAEP 3 meeting in December 1995 will be discussed.

**DATES:** The meeting will be held on September 15, 1995.

**TIME:** 10:00 am to 12:00 pm.

**ADDRESSES:** The meeting will be held at Federal Aviation Administration, Washington, D.C., in room 5AB.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Littleton, Analysis and Evaluation Branch (AEE-120), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, fax (202) 267-5594.

In 1992, four working groups were established under the CAEP to pursue the work of the committee. Terms of reference were developed to undertake specific studies related to the control of aircraft noise and gaseous emissions from aircraft engines. The working groups efforts also took into account the following:

- Effectiveness and reliability of certification schemes from the viewpoint of technical feasibility, economic reasonableness and environmental benefit to be achieved.
- Development in other associated fields, e.g. land-use planning, noise abatement, operating procedures, emission control through operational practices, etc.; and
- International and national programs of research into control of aircraft noise and control of gaseous emissions from aircraft engines.

The working groups have completed their studies and the findings were presented in Bonn, Germany June, 1995.

The agenda for the September meeting will include:

- Status report on the noise and emission position.
- ICAO/CAEP process
- Question and answer period.

Attendance is open to the public, but will be limited to the space available. Arrangements can be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation can be made available at the meeting, as

well as an assistive listening device, if requested 10 calendar days before the meeting.

**James R. Littleton Jr.,**

*Analysis and Evaluation Branch, Office of Environment and Energy.*

[FR Doc. 95-20130 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-13-M**

**Intent To Rule on Application To Impose, a Passenger Facility Charge (PFC) at Cyril E. King Airport, St. Thomas, Virgin Islands for Future Use at the Alexander Hamilton Airport, in St. Croix, Virgin Islands**

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

**ACTION:** Notice of Intent to Rule on Application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose a PFC at Cyril E. King Airport, St. Thomas, Virgin Islands for future use at the Alexander Hamilton Airport, St. Croix, Virgin Islands under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before September 14, 1995.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827-5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gordon Finch, Executive Director of the Virgin Islands Port Authority at the following address: Administrative Offices C/O Cyril E. King Airport, Virgin Islands Port Authority, St. Thomas, Virgin Islands 00802.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Virgin Islands Port Authority under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Ilia A. Quinones, Airports Plans & Programs Manager, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827-5397 telephone number (407) 648-6583. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose a PFC at the Cyril E. King Airport, St.

Thomas, Virgin Islands for future use at the Alexander Hamilton Airport, St. Croix, Virgin Islands under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On July 28, 1995, the FAA determined that the application to impose a PFC submitted by the Virgin Islands Port Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 14, 1995.

The following is a brief overview of the application. Level of the proposed PFC: \$3.00, Proposed charge effective date: January 1, 1996, Proposed charge expiration date: August 31, 1996, Total estimated PFC revenue: \$3,342,000, Brief description of proposed project(s): Terminal Building Expansion and Renovation at the Alexander Hamilton Airport, St. Croix, Virgin Islands.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Cyril E. King Airport, Virgin Islands Port Authority, Administrative Offices, St. Thomas, Virgin Islands.

Issued in Orlando, Florida on August 3, 1995.

**Charles E. Blair,**

*Manager, Orlando Airports District Office, Southern Region.*

[FR Doc. 95-20132 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-13-M**

**Federal Highway Administration**

**Alternate Designs for Bridges**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of policy statement.

**SUMMARY:** This notice provides a revised statement of FHWA policy on the development of alternate designs for major bridges to be constructed with Federal-aid highway funds. State highway agencies (SHAs) have experienced success in following the existing policy statement and are now in a better position to determine which bridge type will be most economical in



the face of ever-shrinking bridge funds. This notice changes prior FHWA policy to the extent that it gives SHAs the option to choose whether it is in their best interest to require alternate bridge designs.

**DATES:** This policy is effective on August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Benjamin M. Tang, Review and Design Branch, Bridge Division, (202) 366-4592, or Mr. Wilbert Baccus, Office of the Chief Counsel, (202) 366-0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 4, 1979, the FHWA issued a Technical Advisory (TA) entitled "Alternate Bridge Designs." This TA was intended to simultaneously stimulate competition in the design of safe and economical bridge structures and, through the competitive bidding process, take advantage of the prevailing economic conditions which would provide a finished structure at the lowest possible cost without sacrificing safety, quality, or aesthetics.

A memorandum was issued to all Regional Federal Highway Administrators on April 22, 1981, to strengthen the FHWA's effort to promote the use of alternate bridge designs among all State and local governments. On September 23, 1981, a second memorandum requested each division office to review and revise its administrative procedures to ensure that alternate bridge designs would be incorporated in all major bridge projects. Guidelines were presented in a third memorandum, dated June 16, 1982, so that FHWA field offices could take appropriate measures to assure themselves that the spirit and intent of the alternate bridge design requirements were being followed. On May 12, 1983, the FHWA published a Notice of Policy Statement [48 FR 21409], which replaced the existing TA with a consolidated, formal FHWA policy on alternate bridge designs.

On June 9, 1988, the FHWA published a Notice of Policy Statement [53 FR 21637] which revised the FHWA policy to include modifications based on an analysis of data considered over an 8-year period concerning alternate designs. The in-depth review of the results of the FHWA policy over that 8-year period concluded that the policy resulted in more cost-effective designs and better use of the highway tax dollar.

#### **Discussion**

In the late 1970's, when the cost of bridge construction was very unpredictable, the FHWA established a policy requiring the development of alternate bridge designs for the construction of major bridges using Federal-aid highway funds. The FHWA policy was established in an effort to get the best possible value out of an unstable market by requiring alternate designs for bridges to be considered. The analysis of cost data from 1979 through 1987 indicated that the alternate bridge design policy resulted in an average savings of \$2 million for each major bridge project. Structures were successfully completed at the lowest possible cost without sacrificing safety, quality, or aesthetics. The program was effective in promoting not only competition among the various bridge types and materials but also innovative design concepts and construction methods in an unsettled economic atmosphere. As a result of its effectiveness, the FHWA reissued the policy of Alternate Designs for Bridges on June 9, 1988 [53 FR 21637], making only slight modifications to the policy then in existence.

The various SHAs which have implemented the policy of Alternate Designs for Bridges have, for the most part, experienced a great deal of success with the program in stretching their bridge dollars. Through participation in the alternate design program, the SHAs are now in a better position to judge whether alternate designs are needed. As of the date of this notice, the new policy will make the use of alternate bridge designs optional. Alternate designs may be used by the SHAs at their discretion.

(23 U.S.C. 109, 144, 151, 315, and 319; 23 CFR 1.32; 49 CFR 1.48)

Issued on: August 8, 1995.

**Rodney E. Slater,**

*Federal Highway Administrator.*

[FR Doc. 95-20137 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-22-P**

#### **Federal Railroad Administration**

**[FRA Docket No. RSOR 13, Notice No.5]**

**RIN 2130-AA86**

##### **Roadway Worker Protection**

**AGENCY:** Federal Railroad Administration (FRA); DOT.

**ACTION:** Notice; Schedule of Advisory Committee Review Meeting.

**SUMMARY:** The Federal Railroad Administration is announcing a meeting

of the Roadway Worker Protection Advisory Committee (Committee) to review the draft Notice of Proposed Rulemaking for Roadway Worker Protection.

**DATES:** The Committee will convene at 8:30 a.m. on the following dates:

1. Wednesday, August 30, 1995.
2. Thursday, August 31, 1995.

**ADDRESSES:** The meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Va. 22202.

**FOR FURTHER INFORMATION CONTACT:** Cynthia B. Walters, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Room 8201, Washington, DC 20590 (Telephone: 202-366-0621).

**SUPPLEMENTARY INFORMATION:** On August 17, 1994 FRA published a notice of intent to establish an Advisory Committee. (59 FR 42200). FRA also published a notice establishing this Advisory Committee on January 5, 1995 (60 FR 1761). The Committee held seven multiple day negotiation sessions over the course of five months. On May 17th, 1995, the Committee submitted their Report of Findings, identifying consensus on 11 specific recommendations and nine general recommendations, to the Secretary of Transportation and the Federal Railroad Administrator. The Advisory Committee reached consensus that this report would serve as the basis for a Notice of Proposed Rulemaking (NPRM). The Advisory Committee concluded that a meeting to determine whether the draft NPRM captured the consensus items in the Committee Report would be necessary. FRA welcomes the public to observe this meeting, in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

Issued this 9th day of August, 1995.

**S. Mark Lindsey,**

*Chief Counsel, Federal Railroad Administration.*

[FR Doc. 95-20138 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-06-P**

#### **National Highway Traffic Safety Administration**

**[NHTSA Docket No. 94-004; Notice 4]**

##### **Highway Safety Programs; Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Conforming Products List (CPL) of devices that conform to the Model

Specifications for Screening Devices that measure alcohol in bodily fluids (59 FR 39382).

**EFFECTIVE DATE:** August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. James F. Frank, Office of Alcohol and State Programs, NTS-21, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590; Telephone: (202) 366-9581.

**SUPPLEMENTARY INFORMATION:** On August 2, 1994, Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids were published in the **Federal Register** (59 FR 39382). In these model specifications, NHTSA recognized industry efforts to develop new technologies. These specifications establish performance criteria and methods for testing alcohol screening devices using either breath or other bodily fluids to measure alcohol content. NHTSA established these specifications to support State laws that target youthful offenders (i.e., "zero tolerance" laws) and the Department of Transportation's initiative to prevent alcohol misuse. NHTSA published its first CPL for screening devices on December 2, 1994 (59 FR 61923; with a correction in 59 FR 65128). Five devices were on that first list.

Since the publication of that list, two additional disposable, single-use saliva-alcohol screening devices have been evaluated at the Volpe National Transportation System Center in Cambridge, MA and found to conform to the model specifications for screening devices: Chematics' "Alco-Screen 02™" and Roche Diagnostic Systems' "On-Site Alcohol".

It should be noted, however, that while the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the model specifications when tested at 40°C (104°F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27°C (80°F). (Instructions to this effect are stated on all packaging accompanying the device.) Accordingly, the device should not be stored at temperatures above 27°C (80°F) and, if the device is stored at or below 27°C (80°F) and used at higher temperatures, the test should be completed immediately. When these devices were stored at or below 27°C (80°F) and tested at 40°C (104°F) immediately (i.e., within a minute), the devices met the model specifications and the results persisted for 10-15

minutes. When these devices were stored at or below 27°C (80°F) and were equilibrated at 40°C (104°F) for an hour prior to sample application, the devices failed to meet the model specifications. Storage at temperatures above 27°C (80°F), for even brief periods of time, may result in false negative readings.

It should be noted also that while the ON-SITE ALCOHOL saliva-alcohol screening device manufactured by Roche Diagnostics Systems passed all of the requirements of the model specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30°C (86°F); readings should be taken after two (2) minutes at 18-29°C (64°F-84°F); and readings should be taken after five (5) minutes when the sample is introduced at temperatures at or below 17°C (63°F). If the reading is taken before five minutes have elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

The Conforming Products List is therefore amended as follows:

#### CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

| Manufacturer                                        | Devices(s)                                       |
|-----------------------------------------------------|--------------------------------------------------|
| (1) Alco Check International* Hudsonville, MI ..... | •Alco Check 3000 D.O.T.<br>•Alco Screen 3000.    |
| (2) Chematics, Inc., North Webster, IN .....        | •ALCO-SCREEN 02™. <sup>1</sup>                   |
| (3) Guth Laboratories, Inc.*, Harrisburg, PA .....  | •Alco Tector Mark X.<br>•Mark X Alcohol Checker. |
| (4) Repco Marketing, Inc., Raleigh, NC .....        | •Alco Tec III.                                   |
| (5) Roche Diagnostic Systems, Branchburg, NJ .....  | •On-Site Alcohol. <sup>2</sup>                   |
| (6) Sound Off, Inc.,* Hudsonville, MI .....         | •Digitox D.O.T.<br>•Alco Screen 1000.            |
| (7) STC Diagnostics, Inc., Bethlehem, PA .....      | •Q.E.D. A150 Saliva Alcohol Test.                |

\* The devices listed by this manufacturer are the same device sold under two different names.

<sup>1</sup> It should be noted, however, that while the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the model specifications when tested at 40° C (104° F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27° C (80° F). (Instructions to this effect are stated on all packaging accompanying the device.) Accordingly, the device should not be stored at temperatures above 27° C (80° F) and, if the device is stored at or below 27° C (80° F) and used at higher temperatures, the test should be completed immediately. When these devices were stored at or below 27° C (80° F) and tested at 40° C (104° F) immediately (i.e., within a minute), the devices met the model specifications and the results persisted for 10-15 minutes. When these devices were stored at or below 27° C (80° F) and were equilibrated at 40° C (104° F) for an hour prior to sample application, the devices failed to meet the model specifications. Storage at temperatures above 27° C (80° F), for even brief periods of time, may result in false negative readings.

<sup>2</sup> While this device passed all of the requirements of the model specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30° C (86° F); readings should be taken after two (2) minutes at 18° C-29° C (64.4° F-84.2° F); and readings should be taken after five (5) minutes when testing at temperatures at or below 17° C (62.6° F). If the reading is taken before five (5) minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

Note that devices 1, 3, 4 and 6 are breath alcohol testers that use semiconductor type sensors. Devices 2, 5, and 7 are saliva alcohol testers that use enzymatic techniques to measure the alcohol concentration in a saliva sample.

Issued on: August 10, 1995.

**James Hudlund,**

*Acting Associate Administrator for Traffic Safety Programs.*

[FR Doc. 95-20179 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-59-M**

#### Denial of Motor Vehicle Defect Petition from Victor A. Fleming

This notice sets forth the reasons for the denial of a petition submitted to the NHTSA under 49 U.S.C. 30162(a)(2) (formerly section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended).

In March 1995, Mr. Victor A. Fleming, an attorney associated with the Gill Law Firm of Little Rock, Arkansas, petitioned the National Highway Traffic Safety Administration (NHTSA) to order a safety recall of certain motor vehicles produced by the Chrysler Corporation (Chrysler) for remedy of an alleged defect in the park lock system of the automatic transmissions installed in those vehicles. Specifically, Mr. Fleming requested that Chrysler be ordered to conduct a safety recall of its 1984 through 1991 model year vehicles equipped with console-mounted transmission shift lever assemblies, in order to adequately notify owner/operators that the shift lever can be moved out of the "Park" position after the ignition key has been removed. The petitioner proposed that, as a remedy for the alleged defect, a readily visible warning should be installed in the subject vehicles.

The safety defect alleged in this matter does not refer to the failure or malfunction of any component or operating system of the vehicle. Rather, the petition requests that the manufacturer be ordered to undertake a safety recall " \* \* \* for the purpose of adequately notifying \* \* \* owners of the subject vehicles of certain design and operating features of the automatic transmission park lock system. The petitioner argues that such notification is necessary to provide a proper warning that the transmission park lock system permits removal of the engine ignition key when the transmission is not in the "Park" position. For the reasons set forth below, Mr. Fleming's petition is denied.

The petitioner presented as a documentary account of this design characteristic, the experience of a client severely injured when struck by her 1990 Dodge LeBaron convertible equipped with a console mounted gear shift lever. According to the petition, the vehicle had been parked on a slight incline with the engine ignition turned off and the ignition key removed, when it began an unpowered rollaway and struck the driver while she was walking away from the vehicle. The petitioner also stated that the driver believed that the transmission had been shifted into, or toward, the "Park" position, as was the driver's stated habit to do so. The petition is silent as to whether the parking brake was applied or failed to function properly. The petitioner's client filed suit against Chrysler in January 1994, and a jury subsequently ruled for Chrysler. Reportedly, a motion for a new trial is pending.

This petitioner's allegations are limited to 1984 through 1991 Chrysler

vehicles equipped with automatic transmissions and a center floor console shifter. Petitioner argues that the design of the transmission park lock system is defective in that even though the system performs as it was intended, the design itself represents a safety defect. The petitioner presents a detailed discussion of the relevant technical issues, reflecting extensive research in support of the litigation against Chrysler on behalf of his client. Included as an attachment to the petition is a copy of the NHTSA closing report for Engineering Analysis, EA91-010, which concerned the park lock system installed in 1981-1990 Chrysler Corporation vehicles with steering column-mounted gear selector levers.

In EA91-010, the issue of concern was defined broadly as failure of the transmission to properly engage or lock in the "Park" position when properly shifted to that position by the vehicle operator. It was established through engineering tests and design analyses that when properly shifted to the "gated Park" position, the transmission would effectively prevent self mobility or unpowered vehicle rollaway incidents, and that the design of the shift mechanism disclosed no mechanical or hydraulic defect that would cause the subject transmissions to shift from "Park" to "Reverse" without external input.

The vehicle operated by the petitioner's client was a Chrysler LeBaron convertible equipped with Chrysler's type A-413 or A-460 automatic transmission. These two transmission models were the subject of EA91-010. In the Le Baron convertible model, the shift lever was center console mounted, as opposed to being mounted on the steering column in the sedan. The petition argues that the characteristics of the design of the floor mounted shift linkage present a safety defect in that the key can be removed from the vehicle without the shift lever being placed in the "Park" position. This, according to petitioner, increases the likelihood of injury from an unintended rollaway in that the operator may leave the vehicle without placing the transmission in "Park" or applying the parking brake.

It should be noted that Federal Motor Vehicle Safety Standard (FMVSS) No. 114, "Theft Protection," sets minimum performance requirements for the transmission park lock system of vehicles with a GVWR of 10,000 pounds or less. At the time the subject vehicles were manufactured, the purpose of FMVSS No. 114 was "theft protection to reduce the incidence of accidents resulting from unauthorized use." In

1990 FMVSS No. 114 was amended (effective September 1, 1992) to specify "requirements to reduce the incidence of crashes resulting from rollaway of parked vehicles." For vehicles manufactured prior to September 1, 1992, FMVSS No. 114 required that vehicles must have a key locking system that prevents vehicle steering or self-mobility, or both, when the key is removed. The public docket detailing promulgation of FMVSS No. 114 is complete in its presentation and analyses of relevant technical issues.

To meet the requirements of FMVSS No. 114 as they existed prior to September 1, 1992, manufacturers typically installed a steering column lock to prevent steering with the ignition key removed. Alternatively, the requirement to prevent vehicle self-mobility with the key removed was usually addressed by installation of a transmission shift lever lock. The designs of such shift lever locks required that an automatic transmission be shifted into the "Park" position in order to enable removal of the ignition key, and after the key was removed, shifting the transmission from the "Park" position to any other gear was prevented. Many vehicle manufacturers installed both types of locks even though not required to do so by FMVSS No. 114. Chrysler chose to use only the steering column lock to prevent steering of the subject vehicles.

On April 5, 1988, NHTSA issued a notice of proposed rulemaking (NPRM) to address the problems of inadvertent steering column lock-up and inadvertent shifting of the transmission. Following the normal procedures associated with the issuance of a rulemaking action, NHTSA issued on May 22, 1990, an amendment to FMVSS No. 114 which required that each vehicle be equipped with a key locking system that, whenever the key is removed:

- a. Prevents normal activation of the vehicle's engine or motor, and
- b. Prevents either steering or forward self-mobility of the vehicle or both. For a vehicle equipped with an automatic transmission with a Park position, the key locking system must prevent removal of the key unless the transmission or transmission shift lever is locked in "Park," or becomes locked in Park as a result of removing the key.

The purpose of the amendment, applicable to certain vehicles manufactured after September 1, 1992, was to preclude operation of the shift lever by children, thus preventing child injuries associated with vehicle rollaway incidents.

The petitioner notes that many manufacturers had installed such key-locking systems in vehicles with automatic transmissions prior to the September 1, 1992, effective date of the amendment. The petitioner argued that for reasons of cost and possibly other considerations, Chrysler elected to limit the installation of such key locking systems to vehicles in which the transmission shift lever was mounted on the steering column. Chrysler-manufactured vehicles with the gear selector lever installed in a center-floor console were not equipped with such a key lock system prior to model year 1993.

The petitioner contends that Chrysler failed to adequately warn owners of the subject vehicles with floor-mounted transmission shift levers that removal of the ignition key from the ignition switch did not indicate that the transmission had been locked in the "Park" position. Because of this alleged failure to provide "adequate warning" of this design characteristic, the petitioner claims that operators of the subject vehicles were led to believe in error that self-mobility of the vehicle was impossible once the key had been removed from the ignition switch. The petitioner also alleges that incidents of unpowered vehicle rollaway had resulted in accidents and injuries.

While the petitioner presented examples of incidents where unintended rollaways had occurred in 1984-1991 Chrysler vehicles equipped with automatic transmissions and floor mounted shifters, the petition does not set forth any facts establishing that Chrysler vehicles differed either in design or performance from other vehicles that allowed removal of the ignition key without placing the transmission in the "Park" position. Also, as noted above, the petition does not allege that the involved vehicles presented a safety hazard stemming from a component or system failure.

The petitioner asks that Chrysler be ordered, under the notification and remedy provisions of the Act, to provide notification together with a readily visible warning that the subject vehicles can, in fact, roll away when unattended if the transmission is not properly shifted into the "Park" position, even though the ignition key has been removed.

The petitioner recognized that such an advisory appears in the LeBaron owner's manual:

**Note:** A console mounted shift lever can be moved out of PARK after the ignition key has been removed. Therefore, it is very important that children left in the vehicle be cautioned against touching the shift lever. Also, the

parking brake should be fully applied before leaving the vehicle, especially when parked on an incline.

A principal point of the petitioner's request is that the "Note" as stated above, does not provide "adequate warning." The petitioner cited testimony during the trial in which a human factors expert stated that the "Note" does not constitute a warning, and that it makes no mention of the fact that the key can be removed from the ignition even if the transmission is not in the "Park" position. The petition also cites the presence of a larger number of warnings contained in the owner's manual for 1990 Ford Mustang vehicle equipped with a floor mounted shifter allowing removal of the key without the transmission placed in "Park."

Petitioner alleges that these warnings are more effective in that they provide more specific advice about the characteristics of the shift lock and the potential for unintended rollaway. Petitioner does not, however, present any data suggesting that these warnings are more effective than those contained in the Chrysler owner's manual.

The petitioner has submitted a detailed presentation of his request, as well as the reasons therefor. Notwithstanding this presentation, however, NHTSA does not believe that it would be appropriate to grant the petition. The park lock system found on the Chrysler vehicles that are the subject of this petition was not unique. Manufacturers other than Chrysler also produced vehicles during this time period in which the key could be removed without locking the transmission in "Park." Petitioner has not produced any evidence or information suggesting that the Chrysler vehicles created a higher risk to safety than these similar vehicles. While it is the agency's position that existing Federal motor vehicle safety standards are minimum performance benchmarks and that compliance with these standards does not preclude the agency from deciding that a safety-related defect exists, the vehicles in question complied with the requirements of FMVSS No. 114 as they existed at the time they were manufactured. The later promulgation of an amendment to this Standard to address the hazard of unintended rollaways caused by failure to place the transmission in "Park" or movement of the shift lever in an unattended parked vehicle does not establish that earlier designs were defective, but reflects the conclusion that existing designs can be improved. The evidence presented by the petitioner does not indicate that the

design presents a safety-related defect under the Act. Thus, after considering all of the issues raised by this petition; and recognizing the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

**Authority:** 49 U.S.C. 30162(a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 3, 1995.

**Michael B. Brownlee,**

*Associate Administrator for Safety Assurance.*

[FR Doc. 95-20174 Filed 8-14-95; 8:45 am]

**BILLING CODE 4910-59-P**

---

## DEPARTMENT OF VETERANS AFFAIRS

### Voluntary Service National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that the annual meeting of the Department of Veterans Affairs Voluntary Service National Advisory Committee will be held at the Holiday Inn—Mart Plaza, 350 North Orleans Street, Chicago, Illinois, October 25 through 28, 1995. The meeting begins with participant registration at 8 a.m. on October 25 and concludes at 12 Noon on October 28. The meeting is open to the public.

The committee, comprised of fifty-five national voluntary organizations, advises the Under Secretary for Health and other members of the Department of Veterans Affairs Central Office staff on how to coordinate and promote volunteer activities within VA facilities. The primary purposes of this meeting are: to provide for committee review of volunteer policies and procedures; to accommodate full and open communications between the organizations, representatives and the Voluntary Service Central Office and field staff; to provide educational opportunities geared towards improving volunteer programs with special emphasis on methods to recruit, retain, motivate and recognize volunteers; and to approve committee recommendations.

For further information, contact the Director, Voluntary Service Office (167), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420, (202) 565-7405.

Dated: August 13, 1995.

By Direction of the Secretary.

**Heyward Bannister,**

*Committee Management Officer.*

[FR Doc. 95-20049 Filed 8-14-95; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

**Federal Register**

Vol. 60, No. 157

Tuesday, August 15, 1995

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).

## FEDERAL HOUSING FINANCE BOARD

### "FEDERAL REGISTER" CITATION OF

**PREVIOUS ANNOUNCEMENT:** 60 FR 39487, August 2, 1995.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 9 a.m., Wednesday, August 9, 1995.

**CHANGE IN THE MEETING:** The following topic was withdrawn from the open portion of the meeting.

- Federal Home Loan Bank of San Francisco's Request for Additional AHP Funds for Neighborhood Housing Services.

The Board determined that agency business required its consideration of this matter on less than seven days notice to the public and that no earlier notice of this change in the subject matter of the meeting was practicable.

**CONTACT PERSON FOR MORE INFORMATION:** Elaine L. Baker, Secretary to the Board, (202) 408-2837.

**Rita Fair,**

*Managing Director.*

[FR Doc. 95-20217 Filed 8-11-95; 9:51 am]

**BILLING CODE 6725-01-M**

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of August 14, 21, 28, and September 4, 1995.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

### MATTERS TO BE CONSIDERED:

#### Week of August 14

There are no meetings scheduled for the Week of August 14.

#### Week of August 21—Tentative

*Tuesday, August 22*

10:00 a.m.

Briefing on Changes to the Performance Indicator Program (Public Meeting)  
(Contact: Steve Mays, 301-415-7496)

11:30 a.m.

Affirmation Session (Public Meeting)  
(Please Note: These items will be affirmed immediately following the conclusion of the preceding meeting.)

a. Final Amendment to 10 CFR Part 50, Appendix J, "Containment Leakage Testing," to Adopt Performance-Oriented and Risk-Based Approaches (Tentative)

b. Curators of the University of Missouri Licensee's Petition for Reconsideration (Tentative)  
(Contact: Andrew Bates, 301-415-1963)

#### Week of August 28—Tentative

*Wednesday, August 30*

11:30 a.m.

Affirmation Session (PUBLIC MEETING)  
a. Revisions to Regulatory Requirements for Reactor Pressure Vessel Integrity in 10 CFR Part 50 (Tentative)  
(Contact: Andrew Bates, 301-415-1963)

#### Week of September 4—Tentative

There are no meetings scheduled for the Week of September 4.

**Note:** The Nuclear Regulatory Commission is operating under a delegation of authority to Chairman Shirley A. Jackson, because with three vacancies on the Commission, it is temporarily without a quorum. As a legal matter, therefore, the Sunshine Act does not apply; but in the interest of openness and public accountability, the Commission will conduct business as though the Sunshine Act were applicable.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415-1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill (301) 415-1661.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

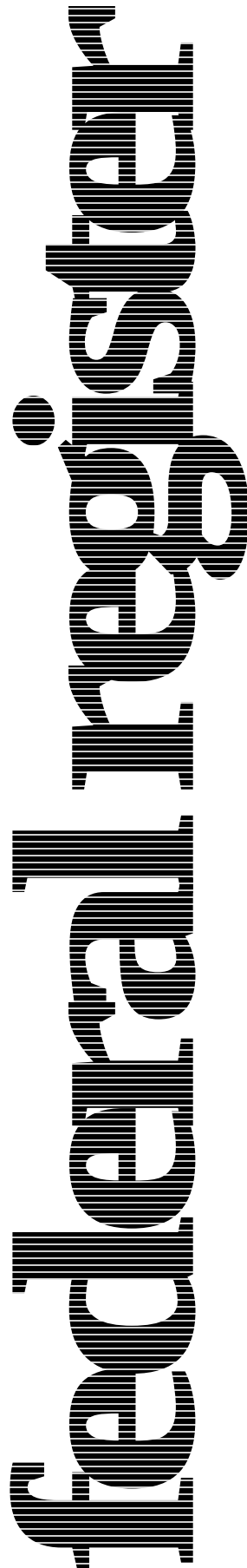
Dated: August 10, 1995.

**William M. Hill, Jr.**

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 95-20235 Filed 8-11-95; 10:55 am]

**BILLING CODE 7590-01-M**



---

Tuesday  
August 15, 1995

---

## Part II

# Department of Housing and Urban Development

---

Office of the Secretary

---

24 CFR Part 888

Fair Market Rents for Section 8 Existing  
Housing; Amendments to Method of  
Calculating; Final Rule

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Secretary****24 CFR Part 888**

[Docket No. FR-3694-F-02]

RIN 2501-AB76

**Fair Market Rents for Section 8 Existing Housing; Amendments to Method of Calculating**

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

**SUMMARY:** This final rule amends the Department's regulations at 24 CFR part 888 governing the method of calculating Fair Market Rents (FMRs) for Section 8 Existing housing programs including the Section 8 Rental Certificate program (including space rentals by owners of manufactured homes under that program); the Moderate Rehabilitation Single Room Occupancy program; the Loan Management and Property Disposition programs; payment standards for the Rental Voucher program; and any other programs which use the Section 8 FMRs.

HUD is changing the definition from the 45th percentile of the rental distribution of standard quality rental housing units to the 40th percentile as a cost saving measure. On average, FMRs will be 3.3 percent less than if they were set at the 45th percentile level. This change will not significantly affect September 8 program operations. Families will continue to have an adequate choice of good housing and neighborhoods at the 40th percentile FMR.

EFFECTIVE DATE: September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Gerald J. Benoit, Rental Assistance Division, Office of Public and Indian Housing; telephone (202) 708-0477 or (202) 708-0850 (TDD for speech- or hearing-impaired), for questions relating to the Section 8 Rental Certificate, Rental Voucher, and Moderate Rehabilitation programs;

Barbara Hunter, Program Planning Division, Office of Multifamily Housing Management; telephone (202) 708-3944 or (202) 708-4594 (TDD for speech- or hearing-impaired), for questions relating to all other Section 8 programs.

David Pollack, Office of Community Planning and Development; telephone (202) 708-1234 or (202) 708-2565 (TDD for speech- or hearing-impaired), for questions relating to Moderate Rehabilitation, Single Room Occupancy (SRO).

Michael Allard, Office of Policy Development and Research, (202) 708-

0577 or 708-1455 (TDD for speech- or hearing-impaired), for questions relating to measurement of rent levels.

Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. (Telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 8 of the U. S. Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid low-income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) established by HUD, or by payment standards based on the FMRs established by public housing agencies for the Rental Voucher program. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately-owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Under section 8(c) of the Act, the Secretary of HUD is directed to establish FMRs periodically, but not less frequently than annually. HUD publishes proposed FMRs each year, and after a period of public comment, publishes the final FMRs. The method used to calculate FMRs is described in 24 CFR part 888, subpart A. This rule amends the regulations:

(1) To change the FMR rent standard from the 45th to 40th percentile rent of the rent distribution of rental housing units;

(2) To authorize the Secretary to establish FMR areas that differ from the OMB definitions of metropolitan areas where the OMB definitions are determined by HUD to be larger than housing market areas;

(3) To identify Random Digit Dialing (RDD) telephone surveys as a data source used to establish FMRs for selected individual areas and to develop rent-change factors for updating FMRs;

(4) To state the requirement that, in order to be considered as a basis for revising the FMRs, public comments on proposed FMRs must contain statistically valid rental housing survey data justifying the requested changes; and

(5) To provide that the FMR for a manufactured home space in the tenant-based certificate program is 30 percent of the FMR for a two-bedroom housing unit.

The amendments to the method of calculating FMRs in this final rule apply to the following Section 8 Housing

Assistance Payments programs: the Rental Certificate program, including space rentals by owners of manufactured homes; the Moderate Rehabilitation SRO Program; the loan management program for projects with HUD-insured or HUD-held mortgages, as well as the Property Disposition program; and any other HUD programs which use these FMRs (e.g., programs to assist the homeless). In addition, the rule amends the regulations to reflect use of FMRs to establish payment standards for the Rental Voucher program. The rule applies to public housing agencies (PHAs) and Indian Housing Authorities (IHAs), which are collectively referred to as housing authorities (HAs).

**II. Public Comments on Proposed Rule**

On March 2, 1995 (60 FR 11626), HUD published its proposed rule that would amend the Department's regulations at 24 CFR part 888 governing the method of calculating FMRs for the Section 8 Rental Certificate Programs discussed above. The Department received 628 comments on the proposed regulation.

The following presents the major issues raised in the public comments and HUD's responses to these issues.

1. *Comment:* Many commenters contended that the reduction to the 40th percentile rent standard would result in a shortage of units available to the Section 8 program and that participants would be limited in their housing choices and, therefore, trapped in poor neighborhoods where units are of marginal quality. Some HAs are claiming that the reduction will kill the program in rural areas.

*Response:* The proposed rule would have HUD set the FMR standard at the 40th percentile rent level of the distribution of standard quality rental housing units occupied by recent movers. Because the rents of recent movers are almost always higher than the rents of stayers, more than 40 percent of the standard quality rental housing units in each FMR area have rents that would make them available to program participants.

A HUD analysis of Census data shows that, contrary to the perception of most of the commenters, rent-eligible units are actually widely dispersed throughout FMR areas. An analysis of a representative sample of 13 metropolitan areas revealed that, on average, 85 percent of census tract neighborhoods with 10 or more two-bedroom rental units had at least 30 percent of the two-bedroom units below the FMRs. The variation among these areas was not great. All areas had high



percentages of neighborhoods with rent eligible units, ranging from 71 to 95 percent of the census tracts with 30 percent or more of the units below the FMR. This is strongly suggestive that families will continue to have an adequate choice of good housing and neighborhoods at the 40th percentile FMR.

A similar analysis was conducted and similar results found for a number of nonmetropolitan counties, supporting the conclusion that rural areas also will have an ample proportion of rental housing that families with housing certificates can afford at the 40th percentile FMR standard.

2. *Comment:* Many commenters were concerned that lower FMRs would result in landlords dropping out of the Section 8 Existing program.

*Response:* Lowering the standard from the 45th to the 40th percentile rent will reduce FMRs by a small amount, 3.3 percent on average. While some participating landlords with units renting very close to the current FMRs may choose to drop out of the program, the vast majority of units now in the program will continue to be eligible under the new 40th percentile standard. In addition, HUD will be able to use the FMR exception authority available for submarkets of FMR areas to mitigate this situation.

3. *Comment:* The proposed rule was viewed by commenters as an attempt by OMB and HUD to reduce budgets at the expense of low-income Americans.

*Response:* The reduction in the FMR standard is a cost savings measure. The streamlined Section 8 program will save taxpayers money while still assuring that low-income families participating in the program will be able to improve their housing situations. HUD is confident that providing Section 8 families access to 40 percent of the standard quality rental housing stock in a housing market offers them the opportunity to afford decent, safe, and sanitary housing. Further, a lower FMR standard permits assistance for more families with available funding.

4. *Comment:* Commenters thought that lower FMRs would result in more program vacancies and therefore lower administrative fees to HAs increasing their financial burden and impacting their ability to operate the program.

*Response:* The fact that FMRs are lower does not mean there will be a lower lease-up rate in the program. Lower FMRs are an issue only for new families entering the program or for families that move. Families in need of housing will find units that rent below the lower FMR rather than give up their rental assistance. Current program

participants desiring to move will be less likely to move if they have difficulty finding a unit.

HUD is in the process of decoupling the HA ongoing administrative fees from the current FMR to the extent allowed by law. Under the notice on administrative fees for the Section 8 Rental Voucher and Rental Certificate Programs that was published in the **Federal Register** on January 24, 1995 (59 FR 32492), the HA ongoing administrative fees for the rental vouchers and certificates funded from pre-FY 1989 appropriations, representing more than one-half of the program units, were decoupled from the current FMRs. HUD is seeking legislation to decouple fees from the FMRs for rental vouchers and certificates funded from FY 1989 and subsequent appropriations. Changes in the monthly per unit fee amount would be based on changes in wage data or other objectively measurable data, as determined by HUD, that reflect the costs of administering the program.

5. *Comment:* Commenters objected that the proposed rule encourages HAs to conduct RDD surveys which are too costly and are not as reliable as local surveys of real estate agents, renters, and visual inspections of rental units. RDD surveys do not account for substandard housing, and households with telephones are not necessarily standard quality units, especially in rural areas. HUD requires HAs to use statistically valid surveys, implying the required use of the RDD approach. HUD should allow a common sense, inexpensive approach to rental housing surveys.

*Response:* HUD encourages HAs that believe their FMRs are too low to conduct statistically valid surveys to test these numbers. HUD recommends the use of RDD-type surveys, but these surveys are not mandatory. Both the RDD and the traditional methods that HUD recommends emphasize the need to obtain a complete list of the rental universe and conduct the survey in an unbiased way. Very small samples, if carefully drawn and surveyed, are more accurate than large samples drawn from biased sources or surveyed in a biased manner. Regardless of how the survey itself is conducted, the universe list must reflect the entire rent distribution of the FMR area. HAs may continue to submit traditional rental housing surveys and HUD will continue to evaluate them in terms of their sample validity.

HUD provides extensive step-by-step guidance on how to conduct statistically valid surveys, including sample selection (using either the RDD or

traditional method), questionnaire wording, follow-ups of nonrespondents, and data processing. HUD is also willing to help HAs that want to conduct their own surveys.

HUD's past analysis indicates that RDD surveys appropriately reflect the rent levels of the standard quality housing stock. The impact of substandard housing is offset by the use of samples of rental housing units with telephones. The upward rent bias from surveying only units with telephones is offset by the high proportion of non-telephone units that would not meet quality standards.

HUD has always required the use of statistically valid housing surveys in FMR comments and has stated the requirements for such surveys in the preambles to the notices of proposed FMRs. In recent years, HUD has also publicized the availability of its rental housing survey guides and has conducted an outreach program to help HAs conduct statistically valid surveys. These surveys need not be conducted by professionals, and are cheap enough that most HAs can afford to conduct them. Even very small HAs have been able to use these surveys by joining their resources and conducting combined surveys.

6. *Comment:* The proposed change was particularly perplexing to several commenters in view of the Section 8 NOFA selection criteria—Efforts of HA to Provide Area-Wide Housing Opportunities for Families.

*Response:* Prior to issuing the proposed regulation, HUD considered the impact of this change on efforts to encourage families to move from high poverty neighborhoods. As discussed in the response to the first comment, HUD is confident that rental housing units meeting the program standards are available throughout FMR areas, and will favorably consider requests for submarket exception rents in order to maintain opportunities for families to rent units in non-poverty neighborhoods.

7. *Comment:* The reduction in the FMR standard would make it more difficult to administer a program that mandates Family Self-Sufficiency (FSS).

*Response:* HUD provided special funding in FY 1994 for HAs to hire a service coordinator under the FSS program. The Notice of Funding Availability for FY 1995 provides additional funding for HAs to hire FSS service coordinators.

8. *Comment:* Several commenters stated that reduced FMRs were insufficient to support new construction programs like the Low Income Housing Tax Credit (LIHTC) or HOME program.

*Response:* The FMRs, set at the 40th percentile level of standard quality recent mover rental units, would include approximately the bottom half of an area's standard quality rental stock. It is not HUD's intention to set the FMRs at a level high enough to support new construction and only in very unusual situations would this occur. Over the years, some production programs, such as the HOME and LIHTC programs, have had program rents tied to the FMRs to ensure that the end result was affordable housing. HOME participants can use the grant money in a variety of ways ranging from leveraging production costs to directly paying for them. Many of the HOME and LIHTC participants have used other sources of funds to write down rents on these projects.

9. *Comment:* Commenters objected to the 30-day comment period as being too short a time period to comment on the proposed changes.

As stated in the preamble to the proposed rule and repeated here, HUD's position in providing a 30-day comment period, rather than 60 days, is that the public had already had ample notice that HUD was considering this change. On June 23, 1994 (59 FR 32492), HUD published a notice in the **Federal Register** containing two separate sets of FMRs—one based on the 45th percentile rent levels and the other based on the 40th percentile rent levels. The notice explained that HUD was considering a 40th percentile FMR standard. A reduction in the FMR standard was also announced as a proposed cost savings measure in HUD's FY 1995 budget presentation. The June 23, 1994 notice requested public comment on the proposed FMRs at both the 40th and 45th percentiles. Since the public had already had the opportunity to consider the proposed change in the FMR standard and to comment on the actual proposed FMRs at the 40th percentile level, HUD believes that a 60-day comment period was unnecessary since the abbreviated comment period did not adversely impact the public's ability to participate in this rule making. In fact, HUD received and evaluated all comments received after the 30-day comment period had ended.

10. *Comment:* Commenters contended that HUD's proposal to provide for a 30-day comment period for the annual notice of proposed FMRs is not enough time for HAS to do rental housing surveys. Some commenters requested a comment period longer than the 60 days currently allowed.

*Response:* The regulation requires the Department to provide a comment period of at least 30 days to identify

areas where the FMRs are believed to be too high or too low. HUD's practice has been, and will continue to be, to allow interested parties 60 days to prepare their comments. The 60-day comment period was adopted in recognition that the additional time was needed for HAS to conduct rental housing surveys. HUD reserves the right, however, to abbreviate the comment period in the event that special circumstances should warrant such an action.

HUD cannot provide for a comment period longer than 60 days and still be able to publish final FMRs on October 1 of each year. Because of the time required to obtain the year-end data used to update and process the FMR schedules each year, the earliest these estimates can be published is in mid-April. The 60-day comment period, therefore, ends in mid-June, and the remainder of that month is required to process and distribute the comments to the respective HUD Field offices. HUD reviews the comments for the next month and a half, through mid-August. The remainder of the time is spent preparing the revised FMRs for publication, clearing the publication, and submitting them to the **Federal Register**.

11. *Comment:* Commenters objected to the proposal to give the Secretary the discretion to make modifications to the FMR area definitions of large metropolitan areas.

*Response:* HUD generally uses the OMB definitions of metropolitan areas as FMR definitions because they are good approximations of housing market area definitions—the criterion that HUD uses to define FMR areas. OMB in its publication establishing these definitions (OMB Bulletin NO. 93-17), however, directs agencies who use the definitions for nonstatistical purposes to ensure that they are appropriate for the specific program use. OMB recommends that the agency in such a circumstance seek public comment on their appropriateness. The OMB bulletin further states that an agency may deviate from the definitions, but should identify the deviations and specify the program for which they will apply. In establishing the FMR area definitions, HUD followed the OMB procedures. First, HUD conducted an evaluation of the revised OMB metropolitan area definitions and determined there were seven metropolitan areas for which the OMB definitions were too large to represent housing market area definitions. HUD then invited public comment in the notice of proposed FMRs published on May 6, 1993 (58 FR 27062). HUD received only one public comment on this issue. After reviewing

the comment, HUD decided to make the modified definitions effective, which it did in the October 1, 1993, **Federal Register** publication of final FMRs (58 FR 51410). This rule merely codifies HUD's existing policy of making exceptions to FMR definitions, as warranted, in accordance with OMB's instructions.

12. *Comment:* Several commenters objected to HUD's rule to set manufactured home space rents at the 30 percent of the FMRs for a two-bedroom unit.

*Response:* HUD first announced in the May 6, 1993, notice of proposed FMRs that it was considering other alternatives for establishing manufactured home space FMRs. It was explained in the notice that the data base used to estimate the FMRs for manufactured home space rents was quite old, from a 1978 survey, and that no new data sources were available. HUD did not consider the existing data sufficiently accurate to continue using these estimates. Because there is very limited use of the manufactured home space rents in the tenant-based rental assistance programs, the expected cost of obtaining new survey data was not justified.

HUD did not receive any comments on this proposal and, therefore, on June 23, 1994, proposed that the manufactured home space FMR would be 30 percent of the Section 8 two-bedroom FMR. The 30-percent ratio was selected on the basis of an analysis which showed that the vast majority of the manufactured home space FMRs were within a 20 to 30 percent range of the regular two-bedroom FMR. Recognizing that there would be valid exceptions to this relationship, HUD informed the public that it would accept local surveys of space rentals in manufactured home parks as a basis for modifying the FMRs where the proposed new standard was not adequate to operate the program. HUD also announced that it was retaining all local surveys that had been accepted since 1990 as the basis for modifying the manufactured home space FMRs. On September 28, 1994 (59 FR 49494), HUD published separately in Schedule D, the manufactured home space FMRs for 13 areas that had recent local surveys and established the FMRs for all other areas at 30 percent of the two-bedroom FMR.

13. *Comment:* A commenter requested that HUD publish a contract rent and a utility amount rather than a gross rent FMR estimate. The basis for this request is the concern that the amount HUD is using for the utility component is less than what is used at the local level.

*Response:* HUD FMRs are gross rent estimates, which means that they include the cost of all utilities. HUD prefers using gross rent as a basis because it accounts for the total costs to tenants and it provides a consistent basis for comparison. There is no one contract rent for an FMR area. Contract arrangements vary with regard to the types of utilities paid by the landlord and those paid by the tenant. HUD actually uses two methods to develop gross rent estimates. For the base-year estimates of FMR areas using the 1990 Census and post-1990 American Housing Surveys, a series of detailed questions are asked to determine what utilities the tenants pay and how much they pay. The contract rent and tenant paid utilities are then combined on an individual unit basis to derive the gross rent of each unit. For those areas based on RDD surveys, the gross rents are determined by asking the tenant to identify the utilities they pay themselves. HUD then uses the approved HA utility allowances to determine the appropriate amount of tenant paid utilities, which are added to the contract rent amount to determine a gross rent. HUD has found no evidence to suggest there is a downward bias introduced into the estimates using either method. The RDD procedure uses the most current HA estimates of utilities, while the Census surveys use tenant estimates of utilities. If anything, the latter source may be somewhat overstated.

14. *Comment:* A commenter stated that HUD should not implement this change without specific Congressional approval. They also stated that Congressional opposition last year should have convinced HUD not to take this action unless Congress specifically directs it to do so.

*Response:* The law does not specify the percentile standard used to establish the FMRs and permits HUD to change the FMR standard from the 45th to the 40th percentile standard. Accordingly, HUD has the authority to implement this change.

15. *Comment:* A commenter claimed that HUD's FMR calculations are flawed because they do not include newly constructed units which would allow for greater choice of locations and increase the number of units passing HQS.

*Response:* HUD is authorized to provide assistance for existing housing units and to determine FMRs for such units. Newly constructed units—units built within the past 2 years—are excluded from the FMR calculations. An objective of the Section 8 Housing Assistance Payments program is to serve

as many low-income families as possible by making available standard quality rental housing units of modest (nonluxury) quality. Newly constructed units generally have much higher initial rent levels than other units. HUD, therefore, considers that such units should be deleted from the data base used to calculate the Existing Housing FMRs. Deletion of new units from the data base does not significantly affect the number of units that would pass HQS. HUD also calculates the FMRs by deleting substandard units from the Census distributions of rental housing and making an additional adjustment to factor out the affects of substandard housing on rents using the more refined housing quality data available in the American Housing Survey distributions.

16. *Comment:* A commenter, concerned that FMRs in nonmetropolitan areas were too low, suggested HUD consider establishing minimum FMRs based on State averages.

*Response:* HUD's use of the 1990 Census to re-benchmark the FMRs significantly improved the accuracy of these estimates in nonmetropolitan counties. For the first time, rent data were available for all counties individually rather than for county groups as had been the situation with previous Censuses. To protect against unrealistically low FMRs being set as the result of insufficient sample sizes, exceptions were made to the use of county level FMRs. The exceptions involved the use of State-wide minimum rent estimates that were applied to all FMR areas with fewer than 100 two-bedroom rental unit cases in the Census and with FMRs below the State minimum comparable rent of areas with 100 or more such cases. The base year FMR estimates for these counties were set at the lower of the State-wide minimum or the upper end of the confidence interval of the Census-based rent. HUD is concerned about the continued number of inquiries on this issue, however, and is currently reviewing its exception procedure to determine if a further adjustment may be warranted for nonmetropolitan counties with extremely low rents.

17. *Comment:* A commenter objected that comments should not be restricted in any way. Requiring smaller housing authorities to submit exhaustive statistics (from rental housing surveys) violated the spirit, if not the letter of the law. The comment stated that nearly all HAs have complete data for rental properties to establish rent reasonableness and comparability and that the results of RDD surveys pale to insignificance when compared to the

actual day to day experience of a local housing authority.

*Response:* As explained in the response to comment number 5, HUD does not mandate the use of RDD surveys and continues to accept the traditional type rental housing surveys as a basis for revising the FMRs as long as the survey samples are not biased and are representative of the rental housing stock of the entire FMR area. HUD disagrees with the contention that local rent reasonableness data are a better, or even an acceptable alternative, to an RDD survey or a traditional survey conducted in accordance with HUD survey guidelines. The rent reasonableness data base is a restricted source of information that is collected for specific units being considered for participation in the program, for limited parts of FMR areas, and at various points in time. As such, the data are not likely to constitute a representative sample. For many areas these data were collected for units that entered the program prior to the re-benchmarking of the FMRs and, therefore, include concentrations of units above the current FMRs.

18. *Comment:* Commenters suggested that if HUD insists on going to the 40th percentile rent level, it should allow Certificate holders the same flexibility to exceed the FMR as Voucher Holders.

*Response:* HUD is preparing the last part of the final rule to implement the provisions of the National Affordable Housing Act of 1990, that would allow certificate holders to pay more than 30 percent of their income toward rent. Under the provisions of law, up to 10 percent of the families renting units with assistance under the rental certificate program could pay more than 30 percent of their income toward rent. Similarly, under HUD's proposed Housing Certificate Fund, 90 percent of the participants would be allowed to pay up to 35 percent of their income toward rent and 10 percent of the families could pay more than 35 percent of their income for rent.

19. *Comment:* A commenter disputed the General Counsel's findings on executive orders 12606, Family and 12611, Federalism.

*Response:* This rule will not restrict families to spatial concentrations of poverty. HUD is still committed to providing affordable housing to as many families as possible in today's market. The establishment of FMRs at the 40th percentile level does not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

20. *Comment:* One commenter stated that the change from the 45th to the 40th percentile FMR standard will cause still more families to be unsuccessful in finding decent, safe, and sanitary housing. The comment cited the nationwide success rate of 81 percent as evidence supporting this claim.

*Response:* A recent HUD study found just the opposite situation. The study, completed in 1994, found 80 percent of recipients in large cities were successful in finding housing that qualified for the program. Excluding New York City from the sample, the nationwide success rate was even higher, 87 percent. The success rates in the Section 8 program have been increasing over time, rising from about 50 percent in the late-1970's, to 65 percent in the mid-1980's, to the current 80 percent rate. As pointed out in the response to comment number 1, there is a more than adequate supply of housing in good condition and in good neighborhoods available to program participants. The Census data for the 13 selected metropolitan areas show that at the 40th percentile standard at least 40 percent of the two-bedroom rental housing stock had rents at or below the FMRs. Five of these areas had more than half of all two-bedroom units at or below the FMR, and most of the other areas had from 45 to 50 percent of the two-bedroom units at or below the FMR.

### III. Other Matters

#### *Executive Order 12866, Regulatory Planning and Review*

This final rule was reviewed and approved by the Office of Management and Budget as a significant rule, as that term is defined in Executive Order 12866, which was signed by the President on September 30, 1993. Any changes to the final rule as a result of that review are contained in the public file of the rule in the office of the Department's Rules Docket Clerk.

#### *Environmental Assessment*

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 establishment and review of fair market rents is categorically excluded from the Department's regulations implementing the National Environmental Policy Act at 24 CFR 50.20(l).

#### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this document before publication and by approving it certifies that the proposed rule would

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 unit were not in the Section 8 program.

#### *Executive Order 12606, The Family*

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this proposed rule would not have a significant impact on family formation, maintenance, or well-being. The proposed rule would amend the method for calculating Fair Market Rent for various Section 8 assisted housing programs, and would not affect the amount of rent a family receiving rental assistance pays, which is based on a percentage of the family's income.

#### *Executive Order 12611, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, *Federalism*, has determined that this proposal would not involve the preemption of State law by Federal statute or regulation and would not have Federalism implications. The establishment of FMRs does not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

#### *Semiannual Regulatory Agenda*

This rule was listed as sequence number 1727 in the Department's Semiannual Regulatory Agenda published on May 8, 1995 (60 FR 23368, 23377) under Executive Order 12866 and the Regulatory Flexibility Act.

#### **Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

#### **List of Subjects in 24 CFR Part 888**

Grant programs—housing and community development, Rent subsidies.

Accordingly, part 888 of title 24 of the Code of Federal Regulations would be amended as follows:

#### **PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

1. The authority citation for part 888 is revised to read as follows:

**Authority:** 42 U.S.C. 1437c, 1437f, and 3535(d).

2. Sections 888.101 and 888.105 are removed and § 888.111 is revised to read as follows:

#### **§ 888.111 Fair market rents for existing housing: Applicability.**

The Fair Market Rents (FMRs) for existing housing (see definition in § 882.102 of this chapter) are determined by the Department of Housing and Urban Development (HUD) and apply to the Section 8 Certificate Program, including space rentals by owners of manufactured homes under the Section 8 Certificate Program, the Section 8 Moderate Rehabilitation Program, Section 8 existing housing project-based assistance, and Section 8 existing housing assisted under part 886 of this chapter. FMRs are also used to determine payment standard schedules in the Rental Voucher program.

3. Section 888.113 is revised to read as follows:

#### **§ 888.113 Fair market rents for existing housing: Methodology.**

(a) *Basis for setting fair market rents.* Fair Market Rents (FMRs) are estimates of rent plus the cost of utilities, except telephone. They are housing market-wide estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units in the FMR area. FMRs are set at the 40th percentile rent—the dollar amount below which 40 percent of standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of all units that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units and substandard units.

(b) *FMR Areas.* FMR areas are metropolitan areas and nonmetropolitan counties (nonmetropolitan parts of counties in the New England States). With several exceptions, the most current Office of Management and Budget (OMB) metropolitan area definitions of Metropolitan Statistical Areas (MSAs) and Primary Metropolitan Statistical Areas (PMSAs) are used because of their generally close correspondence with housing market area definitions. HUD may make exceptions to OMB definitions if the MSAs or PMSAs encompass areas that are larger than housing market areas. The counties deleted from the HUD-defined FMR areas in those cases are established as separate metropolitan county FMR areas. FMRs are established for all areas in the United States, the

District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific Islands.

(c) *Data sources.* (1) HUD uses the most accurate and current data available to develop the FMR estimates and may add other data sources as they are discovered and determined to be statistically valid. The following sources of survey data are used to develop the base-year FMR estimates:

(i) The most recent decennial Census, which provides statistically reliable rent data.

(ii) The American Housing Survey (AHS) data, conducted by the Bureau of the Census for HUD. AHS's have comparable accuracy to the decennial Census, and are used to develop between-census revisions for the largest metropolitan areas on a four-year revolving schedule.

(iii) Random Digit Dialing (RDD) telephone survey data, based on a sampling procedure that uses computers to select statistically random samples of rental housing.

(iv) Statistically valid information, as determined by HUD, presented to HUD during the public comment and review period.

(2) Base-year FMRs are updated and trended to the midpoint of the program year they are to be effective using Consumer Price Index (CPI) data for rents and for utilities or using rent-change factors obtained from the RDD

regional surveys. The RDD rent-change factors are developed annually for the metropolitan and nonmetropolitan parts of the HUD-specified geographic regions not covered by CPI surveys, and are used to update the base-year FMR estimates within these regions.

(d) *Bedroom size adjustments.* (1) For most areas the ratios developed from the most recent decennial Census are applied to the two-bedroom FMR estimates to derive FMRs for other bedroom sizes. Exceptions to this procedure may be made for areas with local bedroom intervals below an acceptable range. To help the largest most difficult to house families find units, higher ratios than the actual market ratios may be used for three-bedroom and larger-size units.

(2) The FMR for single room occupancy housing is 75 percent of the FMR for a zero bedroom unit.

(e) *Manufactured home space.* The FMR for a manufactured home space is 30 percent of the FMR for a two-bedroom unit, or, where approved by HUD on the basis of survey data submitted in public comments, the 40th percentile of the rental distribution of manufactured home spaces for the FMR area. HUD accepts public comments requesting revision of the proposed manufactured home space FMRs for areas where space rentals are thought to differ from the 30 percent standard. To

be considered for approval, the comments must contain statistically-valid survey data that show the 40th percentile manufactured home space rent (excluding the cost of utilities) for the FMR area. Once approved, the revised manufactured home space FMRs establish new base-year estimates that will be updated annually using the same data used to update the Rental Certificate program FMRs.

4. Section 888.115 is revised to read as follows:

**§ 888.115 Fair market rents for existing housing: Manner of publication.**

FMRs will be published at least annually in the **Federal Register**. The Department will propose FMRs and provide a comment period of at least 30 days for the purpose of identifying areas where the FMRs are believed to be too high or too low. To be considered for FMR revisions, public comments must include statistically valid rental housing survey data that justify the requested changes. After the comments have been considered, the Department will publish a final notice announcing FMRs to be effective on October 1 each year.

Dated: August 4, 1995.

**Henry G. Cisneros,**

*Secretary.*

[FR Doc. 95-19834 Filed 8-14-95; 8:45 am]

**BILLING CODE 4210-32-P**

**Final Rule**

---

Tuesday  
August 15, 1995

---

**Part III**

**Department of  
Housing and Urban  
Development**

---

**Office of the Secretary**

---

**24 CFR Part 888**

**Section 8 Housing Assistance Payments  
Program, Fair Market Rent Schedules;  
Final Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Secretary****24 CFR Part 888**

[Docket No. FR-3699-N-04]

**Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Single Room Occupancy Program and Rental Voucher Program****AGENCY:** Office of the Secretary, HUD.**ACTION:** Final fiscal year (FY) 1995 fair market rents.

**SUMMARY:** Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate program (part 882, subparts A and B), including space rentals by owners of manufactured homes under the Section 8 Rental Certificate program (part 882, subpart F) and project-based Certificate assistance (part 882, subpart G); the Section 8 Moderate Rehabilitation program (part 882, subparts D and E); Section 8 housing assisted under part 886, subparts A and C (Section 8 Loan Management and Property Disposition programs); and to determine payment standard schedules in the Rental Voucher program (part 887).

There have been several **Federal Register** publications leading to this final publication of the FY 1995 FMRs at the 40th percentile rent level. On June 23, 1994, HUD published separate sets of proposed FMRs at the 45th and the 40th percentile rent levels. The proposed 40th percentile FMRs were included in that publication to alert the public that the Administration was considering lowering the FMR standard as a cost saving measure. On July 13, the FMR comment period was extended to October 14 to give small PHAs in nonmetropolitan areas the opportunity to use HUD's recently issued rental housing survey guide. Because of the extended comment period, HUD could not review the comments in time to meet the October 1 deadline for publishing the final FMRs. On September 28, therefore, HUD published final 45th percentile FMRs for all areas at the proposed FMR levels and announced that there would be a later publication that would include revised FMRs for the areas whose rental housing surveys were still being evaluated.

On March 2, 1995, HUD published the proposed rule to revise 24 CFR part 888 to change the FMR rent standard from the 45th to 40th percentile rent level. The comment period ended on April 3, 1995, and, in a separate **Federal Register** publication on August 15, 1995, the changes were published.

This document concludes the process by providing final FY 1995 FMRs at the 40th percentile level. Included in this publication are increased FMRs for 131 areas that submitted rental housing surveys that HUD determined provided a sufficient basis for revising the FMRs. Five areas also are being added to Schedule D on the basis of surveys submitted on manufactured home space rentals in these areas. In addition, HUD has increased the FMRs for 325 nonmetropolitan counties after discovering that the original analysis of 1990 Census data comparing low rent nonmetropolitan counties with minimum rent values computed for States had led to an unintended result. HUD is continuing to study this issue, and is considering a further change in the way the State minimums are determined in the FY 1996 proposed FMRs.

**EFFECTIVE DATE:** The FMRs published in this document are effective on September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gerald Benoit, Rental Assistance Division, Office of Elderly and Assisted Housing, telephone (202) 708-0477 or TDD: (202) 708-0850. 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) 708-0577 or TDD: (202) 708-0770. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by FMRs established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

**Method Used to Develop FMRs***FMR Standard*

The FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets

FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of the standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Public housing units and newly built units less than two years old are excluded.

*Data Sources*

HUD used the most accurate and current data available to develop the FMR estimates. Three sources of survey data were used for the base-year estimates. They are: (1) the 1990 Census; (2) RDD telephone surveys conducted of individual FMR areas since the 1990 Census; and (3) the post-1990 Census American Housing Surveys (AHSs) available at the time the FMR estimates were prepared. The base-year FMRs were then updated using Consumer Price Index (CPI) data for rents and utilities or the HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 103 metropolitan FMR areas. RDD regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD geographic regions (a total of 20 separate factors). The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

The decennial Census provides statistically reliable rent data for use in establishing base-year FMRs. AHSs are conducted by the Bureau of the Census for HUD and have accuracy comparable to the decennial Census. These surveys enable HUD to develop between-census revisions for the largest metropolitan areas on a revolving schedule. The RDD telephone survey technique is based on a sampling procedure that uses computers to select random samples of rental housing, dial and keep track of the telephone numbers and tabulate the responses.

*Manufactured Home Space FMRs*

Manufactured home space FMRs are established at 30 percent of the

applicable Section 8 Rental Certificate program two-bedroom FMR. HUD accepts public comments requesting modifications of manufactured home space FMRs. To be accepted for approval, such comments must contain statistically valid survey data that show the 40th percentile space rent (excluding the cost of utilities) for the FMR area. This program uses the same FMR area definitions as the Section 8 Rental Certificate program. Manufactured home space FMR revisions are published as final FMRs in Schedule D. Once approved, the revised manufactured home space FMRs establish new base year estimates that are updated annually using the same data used to update the Rental Certificate program FMRs.

#### Public Comments

In response to the June 23 proposed FMRs, HUD received 175 comments covering 267 FMR areas, for which rental housing survey information was included for 188 areas. HUD carefully evaluated all information submitted and, based on this review, revised the FMRs for 131 areas. The information submitted for the 57 other areas was not considered sufficient to provide a basis for revising the FMRs.

The 131 FMR areas with approved FMR revisions included 87 areas for which RDD surveys were conducted either by the Public Housing Agency or by a professional survey firm. Successful surveys were submitted for 18 areas using the more traditional landlord/owner type surveys. FMR increases were also approved for 26 other areas that submitted incomplete survey information but for which HUD was able to make adjustments using available information on assisted housing.

#### AHS and HUD Sponsored RDD Surveys

HUD received public comments with survey data from two of the eight areas identified in the September 28 FMR publication with RDD or AHS surveys indicating FMR reductions. Based on the rental housing survey conducted for Gage County, NE, the FMRs have been increased. The survey data provided for the Memphis metropolitan area was not sufficient to provide a basis for revising the FMRs.

Based on RDD survey results obtained since the last publication of final FMRs on September 28, 1994, the FMRs for the following 14 additional areas are being increased in today's notice:

Allentown-Bethlehem-Easton, PA  
Corpus Christi, TX  
Davenport-Moline-Rock Island, IA-IL

Greensboro-Winston Salem-Highpoint, NC  
Greenville-Spartanburg-Anderson, SC  
Louisville, KY-IN  
Medford-Ashland, OR  
Olympia, WA  
Pensacola, FL  
Salem, OR  
Shreveport-Bossier City, LA  
Syracuse, NY  
Utica-Rome, NY  
Columbus County, NC

#### HUD Rental Housing Survey Guides

HUD recommends use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of \$10,000–\$15,000. Areas with 500 or more program units usually meet this criterion, and areas with fewer units may meet it if the actual two-bedroom FMR rent standard is significantly different than that proposed by HUD. In addition, HUD has developed a simplified version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of around \$6,000. In addition, PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of clusters of counties. All clustered surveys must be approved in advance by HUD. PHAs are cautioned that the resultant FMRs will not be identical within the cluster: each individual FMR area will have a separate FMR based on its relationship to the combined rent of the cluster of FMR areas. HUD does not mandate the use of either the RDD telephone survey or the modified RDD telephone survey methodology. Other survey methodologies are acceptable as long as they provide statistically reliable unbiased estimates of the 40th percentile gross rent. All survey results must be fully documented.

Because it takes two months to obtain survey estimates, interested organizations concerned about FMR accuracy may wish to begin their FMR surveys in the next few months to assure that the results will be available in time to be incorporated into the FY 1996 FMRs. The starting point is to carefully review one of the two following publications, both obtainable from HUD USER at 1–800–245–2691. Larger PHAs should obtain "Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments." Smaller PHAs should obtain "Rental

Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments."

#### FMRs for Flood Damaged Areas in the Southeast and Midwest

Under the authority granted in 24 CFR part 899, the Secretary will continue to waive the regulatory requirements that govern requests for geographic area FMR exceptions for the flood-impacted areas in the midwest and southeast. The flood-related FMR exceptions will be approved by the HUD field office with jurisdiction for: (1) Single-county FMR areas and for individual county parts of multi-county FMR areas that qualify as disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; if (2) the PHA certifies that damage to the rental housing stock is so substantial that it has increased the prevailing rent levels. Such exceptions must be requested in writing by the responsible PHAs. Once approved by HUD, they will remain in effect until superseded by final FY 1996 FMRs.

#### Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under Executive Order No. 12606, *The Family*, has determined that this notice will not have a significant impact on family formation, maintenance, or well-being. The notice amends Fair Market Rent schedules for various Section 8 assisted housing programs, and does not affect the amount of rent a family receiving rental assistance pays, which is based on a percentage of the family's income.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, *Federalism*, has determined that this notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal



government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR part 888, are amended as follows:

Dated: August 4, 1995.

**Henry G. Cisneros,**  
*Secretary.*

**Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Rental Voucher Program**

*Schedules B and D—General Explanatory Notes*

1. Geographic Coverage

a. The FMRs shown in Schedule B incorporate the Office of Management and Budget's (OMB) most current definitions of metropolitan areas (with the exceptions discussed in paragraph b). HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions. FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition.

b. The exceptions are counties deleted from seven large metropolitan areas whose revised OMB definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing:

**Metropolitan Area and Counties Deleted**

Atlanta, GA—Carroll, Pickens, and Walton Counties.  
Chicago, IL—DeKalb, Grundy and Kendall Counties.  
Cincinnati-Hamilton, OH—KY—IN—Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana.  
Dallas, TX—Henderson County.  
Lafayette, LA—St. Landry and Acadia Parishes.  
New Orleans, LA—St. James Parish.  
Washington, DC—Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren counties in Virginia.

c. FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states and for FMR areas in Puerto Rico, the Virgin Islands and the Pacific Islands.

d. FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan County. The full definitions of these areas including the independent cities are as follows:

**VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND VIRGINIA INDEPENDENT CITIES INCLUDED WITH COUNTY**

| County            | Cities                       |
|-------------------|------------------------------|
| Allegheny .....   | Clifton Forge and Covington. |
| Augusta .....     | Staunton and Waynesboro.     |
| Carroll .....     | Galax.                       |
| Frederick .....   | Winchester.                  |
| Greensville ..... | Emporia.                     |
| Halifax .....     | South Boston.                |
| Henry .....       | Martinsville.                |
| Montgomery .....  | Radford.                     |
| Rockbridge .....  | Buena Vista and Lexington.   |
| Rockingham .....  | Harrisonburg.                |

**VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND VIRGINIA INDEPENDENT CITIES INCLUDED WITH COUNTY—Continued**

| County            | Cities    |
|-------------------|-----------|
| Southampton ..... | Franklin. |
| Wise .....        | Norton.   |

e. FMRs for Section 8 manufactured home spaces are established at 30 percent of the two-bedroom Section 8 Rental Certificate program FMRs, with the exception of the areas listed in Schedule D whose FMRs have been revised on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that will be updated annually using the same data used to estimate the Rental Certificate program FMRs. The FMR area definitions used for manufactured home spaces are the same as for the Section 8 Certificate program.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

**BILLING CODE 4210-32-P**

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 1

## A L A B A M A

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                          |     |     |     |     |     |                                      |
|--------------------------|-----|-----|-----|-----|-----|--------------------------------------|
| Aniston, AL MSA.....     | 202 | 271 | 342 | 478 | 541 | Calhoun                              |
| Birmingham, AL MSA.....  | 329 | 372 | 433 | 586 | 651 | Blount, Jefferson, St. Clair, Shelby |
| Columbus, GA-AL MSA..... | 312 | 348 | 416 | 545 | 591 | Russell                              |
| Decatur, AL MSA.....     | 307 | 310 | 392 | 506 | 605 | Lawrence, Morgan                     |
| Dothan, AL MSA.....      | 278 | 285 | 353 | 487 | 494 | Dale, Houston                        |
| Florence, AL MSA.....    | 260 | 300 | 385 | 480 | 538 | Colbert, Lauderdale                  |
| Gadsden, AL MSA.....     | 224 | 283 | 318 | 415 | 522 | Etowah                               |
| Huntsville, AL MSA.....  | 322 | 378 | 466 | 621 | 738 | Limestone, Madison                   |
| Mobile, AL MSA.....      | 311 | 347 | 398 | 535 | 628 | Baldwin, Mobile                      |
| Montgomery, AL MSA.....  | 352 | 377 | 444 | 606 | 729 | Autauga, Elmore, Montgomery          |
| Tuscaloosa, AL MSA.....  | 304 | 326 | 434 | 595 | 630 | Tuscaloosa                           |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                |     |     |     |     |     |                 |     |     |     |     |     |
|----------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|
| Barbour.....   | 154 | 220 | 282 | 390 | 462 | Bibb.....       | 176 | 241 | 321 | 441 | 528 |
| Bullock.....   | 204 | 223 | 258 | 324 | 424 | Butler.....     | 175 | 219 | 289 | 374 | 406 |
| Chambers.....  | 162 | 261 | 295 | 376 | 486 | Cherokee.....   | 155 | 237 | 283 | 388 | 436 |
| Chilton.....   | 239 | 242 | 311 | 389 | 436 | Choctaw.....    | 159 | 219 | 258 | 328 | 362 |
| Clarke.....    | 217 | 219 | 288 | 380 | 473 | Clay.....       | 192 | 195 | 258 | 336 | 426 |
| Cleburne.....  | 158 | 218 | 291 | 389 | 408 | Coffee.....     | 230 | 324 | 421 | 585 | 657 |
| Conecuh.....   | 142 | 194 | 258 | 322 | 362 | Coosa.....      | 157 | 217 | 288 | 389 | 404 |
| Covington..... | 213 | 242 | 272 | 375 | 443 | Crenshaw.....   | 194 | 217 | 258 | 322 | 362 |
| Cullman.....   | 228 | 272 | 321 | 434 | 527 | Dallas.....     | 220 | 232 | 310 | 415 | 434 |
| Dekalb.....    | 161 | 236 | 293 | 366 | 470 | Escambia.....   | 218 | 226 | 276 | 384 | 387 |
| Fayette.....   | 207 | 229 | 281 | 361 | 392 | Franklin.....   | 216 | 248 | 292 | 365 | 409 |
| Geneva.....    | 203 | 205 | 258 | 359 | 423 | Greene.....     | 203 | 229 | 258 | 360 | 365 |
| Hale.....      | 142 | 229 | 258 | 322 | 362 | Henry.....      | 222 | 225 | 299 | 375 | 421 |
| Jackson.....   | 249 | 263 | 316 | 395 | 520 | Lamar.....      | 142 | 194 | 258 | 359 | 362 |
| Lee.....       | 243 | 340 | 436 | 567 | 717 | Lowndes.....    | 153 | 247 | 279 | 349 | 393 |
| Macon.....     | 251 | 283 | 377 | 472 | 528 | Marengo.....    | 203 | 229 | 258 | 359 | 414 |
| Marion.....    | 142 | 194 | 258 | 359 | 362 | Marshall.....   | 264 | 270 | 333 | 462 | 547 |
| Monroe.....    | 156 | 214 | 285 | 396 | 399 | Perry.....      | 168 | 229 | 258 | 359 | 379 |
| Pickens.....   | 221 | 224 | 298 | 374 | 419 | Pike.....       | 236 | 273 | 319 | 400 | 493 |
| Randolph.....  | 201 | 204 | 273 | 341 | 447 | Sumter.....     | 216 | 218 | 287 | 359 | 403 |
| Talladega..... | 209 | 233 | 303 | 422 | 425 | Tallapoosa..... | 232 | 246 | 305 | 383 | 428 |
| Walker.....    | 184 | 285 | 335 | 433 | 552 | Washington..... | 142 | 229 | 258 | 359 | 362 |
| Wilcox.....    | 148 | 194 | 258 | 359 | 362 | Winston.....    | 166 | 226 | 302 | 378 | 424 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## A L A S K A

## METROPOLITAN FMR AREAS

|                        | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|------------------------|-----|------|------|------|------|----|-----------------------------------|
| Anchorage, AK MSA..... | 461 | 542  | 721  | 1002 | 1183 |    | Anchorage                         |

## NONMETROPOLITAN COUNTIES

| O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES  | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|-----|------|------|------|------|----|---------------------------|-----|------|------|------|------|----|
| 478 | 538  | 606  | 757  | 992  |    | Aleutian East.....        | 410 | 462  | 519  | 650  | 728  |    |
| 616 | 771  | 976  | 1222 | 1368 |    | Bristol Bay.....          | 494 | 570  | 642  | 892  | 970  |    |
| 595 | 605  | 805  | 1008 | 1128 |    | Fairbanks North Star..... | 376 | 511  | 670  | 921  | 1087 |    |
| 444 | 550  | 627  | 852  | 878  |    | Juneau.....               | 663 | 766  | 975  | 1298 | 1348 |    |
| 358 | 456  | 550  | 764  | 902  |    | Ketchikan Gateway.....    | 488 | 596  | 799  | 1112 | 1168 |    |
| 635 | 698  | 906  | 1132 | 1469 |    | Lake & Peninsula.....     | 381 | 617  | 694  | 866  | 971  |    |
| 347 | 471  | 529  | 719  | 849  |    | Nome.....                 | 628 | 776  | 872  | 1213 | 1369 |    |
| 712 | 730  | 902  | 1255 | 1462 |    | Northwest Arctic.....     | 754 | 849  | 953  | 1326 | 1564 |    |
| 333 | 529  | 608  | 844  | 893  |    | Sitka.....                | 525 | 624  | 700  | 973  | 1149 |    |
| 408 | 414  | 537  | 672  | 754  |    | Southeast Fairbanks.....  | 418 | 439  | 529  | 662  | 743  |    |
| 498 | 610  | 678  | 866  | 1031 |    | Wade Hampton.....         | 356 | 537  | 605  | 756  | 847  |    |
| 363 | 535  | 650  | 828  | 909  |    | Yukon-Koyukuk.....        | 476 | 536  | 604  | 755  | 875  |    |

## A R I Z O N A

## METROPOLITAN FMR AREAS

| O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|-----|------|------|------|------|----|-----------------------------------|
| 450 | 534  | 636  | 884  | 1044 |    | Mohave                            |
| 362 | 437  | 549  | 763  | 900  |    | Maricopa, Pinal                   |
| 335 | 407  | 541  | 753  | 888  |    | Pima                              |
| 329 | 392  | 522  | 727  | 732  |    | Yuma                              |

## NONMETROPOLITAN COUNTIES

| O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| 276 | 310  | 348  | 475  | 572  |    | Apache.....              | 301 | 333  | 413  | 567  | 676  |    |
| 390 | 423  | 549  | 736  | 884  |    | Coconino.....            | 243 | 315  | 419  | 525  | 687  |    |
| 257 | 284  | 350  | 487  | 536  |    | Graham.....              | 190 | 260  | 348  | 438  | 515  |    |
| 287 | 323  | 364  | 506  | 596  |    | La Paz.....              | 247 | 291  | 348  | 483  | 515  |    |
| 314 | 374  | 462  | 578  | 698  |    | Santa Cruz.....          | 358 | 374  | 498  | 695  | 765  |    |

## A R K A N S A S

## METROPOLITAN FMR AREAS

| O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|-----|------|------|------|------|----|-----------------------------------|
| 256 | 320  | 421  | 570  | 590  |    | Benton, Washington                |
| 276 | 280  | 368  | 494  | 517  |    | Crawford, Sebastian               |
| 345 | 382  | 455  | 628  | 733  |    | Faulkner, Lonoke, Pulaski, Saline |
| 311 | 362  | 426  | 592  | 622  |    | Crittenden                        |
| 263 | 312  | 411  | 518  | 674  |    | Jefferson                         |
| 280 | 343  | 418  | 552  | 585  |    | Miller                            |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## A R K A N S A S continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                   |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|-------------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1              | BR 2 | BR 3 | BR 4 |     |     |
| Arkansas.....            | 243  | 246  | 330  | 460  | 482                      | Ashley.....       | 178  | 241  | 320  | 415 | 527 |
| Baxter.....              | 206  | 282  | 374  | 480  | 585                      | Boone.....        | 261  | 266  | 353  | 492 | 580 |
| Bradley.....             | 207  | 219  | 293  | 408  | 481                      | Calhoun.....      | 161  | 262  | 293  | 408 | 482 |
| Carroll.....             | 259  | 284  | 328  | 427  | 531                      | Chicot.....       | 163  | 221  | 296  | 377 | 415 |
| Clark.....               | 243  | 255  | 340  | 425  | 537                      | Clay.....         | 200  | 228  | 293  | 366 | 482 |
| Cleburne.....            | 250  | 253  | 316  | 440  | 505                      | Cleveland.....    | 160  | 219  | 293  | 366 | 480 |
| Columbia.....            | 184  | 250  | 334  | 422  | 467                      | Conway.....       | 200  | 273  | 365  | 456 | 511 |
| Craighead.....           | 286  | 311  | 366  | 505  | 533                      | Cross.....        | 229  | 290  | 325  | 452 | 532 |
| Dallas.....              | 165  | 225  | 301  | 401  | 422                      | Desha.....        | 191  | 238  | 316  | 440 | 444 |
| Drew.....                | 208  | 286  | 382  | 528  | 536                      | Franklin.....     | 231  | 258  | 293  | 373 | 476 |
| Fulton.....              | 228  | 231  | 293  | 366  | 479                      | Garland.....      | 207  | 282  | 377  | 525 | 620 |
| Grant.....               | 229  | 273  | 306  | 426  | 503                      | Greene.....       | 237  | 241  | 312  | 410 | 470 |
| Hempstead.....           | 176  | 242  | 322  | 429  | 478                      | Hot Spring.....   | 184  | 250  | 334  | 418 | 467 |
| Howard.....              | 180  | 246  | 330  | 414  | 462                      | Independence..... | 232  | 269  | 303  | 422 | 498 |
| Izard.....               | 164  | 219  | 293  | 389  | 412                      | Jackson.....      | 228  | 231  | 309  | 418 | 433 |
| Johnson.....             | 218  | 237  | 296  | 411  | 433                      | Lafayette.....    | 231  | 262  | 293  | 408 | 426 |
| Lawrence.....            | 167  | 253  | 303  | 379  | 497                      | Lee.....          | 244  | 248  | 331  | 414 | 463 |
| Lincoln.....             | 239  | 256  | 341  | 457  | 478                      | Little River..... | 188  | 255  | 341  | 473 | 558 |
| Logan.....               | 231  | 243  | 293  | 366  | 412                      | Madison.....      | 252  | 256  | 341  | 426 | 478 |
| Marion.....              | 166  | 227  | 303  | 422  | 498                      | Mississippi.....  | 251  | 273  | 365  | 481 | 539 |
| Monroe.....              | 224  | 227  | 303  | 379  | 498                      | Montgomery.....   | 161  | 219  | 293  | 408 | 482 |
| Nevada.....              | 205  | 248  | 331  | 461  | 463                      | Newton.....       | 161  | 262  | 293  | 366 | 412 |
| Quachita.....            | 257  | 261  | 333  | 463  | 547                      | Perry.....        | 161  | 219  | 293  | 366 | 482 |
| Phillips.....            | 190  | 224  | 300  | 400  | 462                      | Pike.....         | 161  | 219  | 293  | 366 | 482 |
| Poinsett.....            | 178  | 243  | 325  | 408  | 456                      | Polk.....         | 194  | 244  | 298  | 406 | 417 |
| Pope.....                | 207  | 289  | 365  | 507  | 584                      | Prairie.....      | 160  | 219  | 293  | 407 | 432 |
| Randolph.....            | 161  | 252  | 293  | 375  | 476                      | St. Francis.....  | 178  | 268  | 327  | 455 | 534 |
| Scott.....               | 161  | 256  | 293  | 369  | 482                      | Searcy.....       | 160  | 222  | 293  | 407 | 410 |
| Sevier.....              | 242  | 244  | 327  | 409  | 458                      | Sharp.....        | 168  | 229  | 306  | 423 | 429 |
| Stone.....               | 217  | 221  | 293  | 407  | 482                      | Union.....        | 277  | 291  | 351  | 470 | 576 |
| Van Buren.....           | 184  | 250  | 334  | 431  | 550                      | White.....        | 185  | 248  | 331  | 461 | 463 |
| Woodruff.....            | 212  | 219  | 293  | 366  | 412                      | Yell.....         | 229  | 261  | 324  | 407 | 455 |

## C A L I F O R N I A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                             |     |     |     |     |     |                |
|-----------------------------|-----|-----|-----|-----|-----|----------------|
| Bakersfield, CA MSA.....    | 369 | 416 | 520 | 723 | 801 | Kern           |
| Chico-Paradise, CA MSA..... | 307 | 393 | 523 | 718 | 859 | Butte          |
| Fresno, CA MSA.....         | 378 | 423 | 505 | 701 | 808 | Fresno, Madera |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## C A L I F O R N I A continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                                      |     |      |      |      |      |                                 |     |     |     |     |      |
|------------------------------------------------------|-----|------|------|------|------|---------------------------------|-----|-----|-----|-----|------|
| Los Angeles-Long Beach, CA PMSA.....                 | 562 | 674  | 853  | 1151 | 1373 | Los Angeles                     |     |     |     |     |      |
| Merced, CA MSA.....                                  | 366 | 412  | 500  | 691  | 815  | Merced                          |     |     |     |     |      |
| Modesto, CA MSA.....                                 | 422 | 455  | 555  | 774  | 911  | Stanislaus                      |     |     |     |     |      |
| Oakland, CA PMSA.....                                | 530 | 642  | 804  | 1102 | 1319 | Alameda, Contra Costa           |     |     |     |     |      |
| Orange County, CA PMSA.....                          | 635 | 694  | 858  | 1194 | 1329 | Orange                          |     |     |     |     |      |
| Redding, CA MSA.....                                 | 347 | 385  | 482  | 670  | 790  | Shasta                          |     |     |     |     |      |
| Riverside-San Bernardino, CA PMSA.....               | 454 | 505  | 616  | 856  | 1011 | Riverside, San Bernardino       |     |     |     |     |      |
| Sacramento, CA PMSA.....                             | 434 | 490  | 612  | 851  | 1003 | El Dorado, Placer, Sacramento   |     |     |     |     |      |
| Salinas, CA MSA.....                                 | 534 | 625  | 754  | 1048 | 1099 | Monterey                        |     |     |     |     |      |
| San Diego, CA MSA.....                               | 473 | 541  | 677  | 940  | 1109 | San Diego                       |     |     |     |     |      |
| San Francisco, CA PMSA.....                          | 605 | 784  | 991  | 1358 | 1437 | Marin, San Francisco, San Mateo |     |     |     |     |      |
| San Jose, CA PMSA.....                               | 674 | 768  | 949  | 1301 | 1461 | Santa Clara                     |     |     |     |     |      |
| San Luis Obispo-Atascadero-Paso Robles, CA PMSA..... | 471 | 532  | 675  | 938  | 1107 | San Luis Obispo                 |     |     |     |     |      |
| Santa Barbara-Santa Maria-Lompoc, CA MSA.....        | 572 | 636  | 806  | 1122 | 1266 | Santa Barbara                   |     |     |     |     |      |
| Santa Cruz-Watsonville, CA PMSA.....                 | 586 | 697  | 931  | 1294 | 1517 | Santa Cruz                      |     |     |     |     |      |
| Santa Rosa, CA PMSA.....                             | 541 | 613  | 795  | 1105 | 1306 | Sonoma                          |     |     |     |     |      |
| Stockton-Lodi, CA MSA.....                           | 406 | 460  | 589  | 819  | 967  | San Joaquin                     |     |     |     |     |      |
| Vallejo-Fairfield-Napa, CA PMSA.....                 | 509 | 580  | 707  | 983  | 1160 | Napa, Solano                    |     |     |     |     |      |
| Ventura, CA PMSA.....                                | 609 | 698  | 885  | 1177 | 1371 | Ventura                         |     |     |     |     |      |
| Visalia-Tulare-Porterville, CA MSA.....              | 339 | 361  | 470  | 656  | 749  | Tulare                          |     |     |     |     |      |
| Yolo, CA PMSA.....                                   | 437 | 499  | 616  | 856  | 1011 | Yolo                            |     |     |     |     |      |
| Yuba City, CA MSA.....                               | 302 | 347  | 446  | 621  | 625  | Sutter, Yuba                    |     |     |     |     |      |
| NONMETROPOLITAN COUNTIES                             | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                              |     |     |     |     |      |
| Alpine.....                                          | 266 | 429  | 484  | 673  | 677  | Amador.....                     | 394 | 435 | 580 | 807 | 900  |
| Calaveras.....                                       | 346 | 400  | 533  | 741  | 874  | Colusa.....                     | 312 | 317 | 423 | 558 | 694  |
| Del Norte.....                                       | 293 | 401  | 533  | 742  | 876  | Glenn.....                      | 284 | 349 | 430 | 553 | 603  |
| Humboldt.....                                        | 295 | 409  | 536  | 747  | 883  | Imperial.....                   | 323 | 404 | 497 | 693 | 698  |
| Inyo.....                                            | 296 | 400  | 513  | 672  | 719  | Kings.....                      | 332 | 384 | 481 | 668 | 788  |
| Lake.....                                            | 322 | 410  | 547  | 689  | 896  | Lassen.....                     | 350 | 354 | 460 | 619 | 664  |
| Mariposa.....                                        | 308 | 392  | 505  | 661  | 780  | Mendocino.....                  | 395 | 476 | 585 | 814 | 820  |
| Modoc.....                                           | 312 | 317  | 423  | 527  | 591  | Mono.....                       | 437 | 523 | 696 | 967 | 1143 |
| Nevada.....                                          | 358 | 489  | 652  | 907  | 1051 | Plumas.....                     | 315 | 338 | 450 | 618 | 630  |
| San Benito.....                                      | 429 | 505  | 632  | 880  | 1031 | Sierra.....                     | 261 | 382 | 472 | 656 | 774  |
| Siskiyou.....                                        | 300 | 328  | 436  | 567  | 717  | Tehama.....                     | 299 | 317 | 423 | 588 | 694  |
| Trinity.....                                         | 321 | 325  | 423  | 541  | 693  | Tuolumne.....                   | 316 | 432 | 576 | 801 | 945  |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 5

## C O L O R A D O

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Boulder-Longmont, CO PMSA..... 412 494 634 882 1040 Boulder  
 Colorado Springs, CO MSA..... 322 372 496 690 816 El Paso  
 Denver, CO PMSA..... 336 413 550 764 902 Adams, Arapahoe, Denver, Douglas, Jefferson  
 Fort Collins-Loveland, CO MSA..... 359 443 546 758 896 Larimer  
 Greeley, CO PMSA..... 308 383 482 669 791 Weld  
 Pueblo, CO MSA..... 249 312 415 537 657 Pueblo

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Alamosa..... 249 327 368 474 603  
 Baca..... 273 276 368 514 606  
 Chaffee..... 282 286 381 523 577  
 Clear Creek..... 339 404 458 638 752  
 Costilla..... 202 327 368 513 557  
 Custer..... 202 324 368 508 603  
 Dolores..... 203 328 368 460 516  
 Elbert..... 383 426 485 606 796  
 Garfield..... 403 432 546 681 893  
 Grand..... 412 416 527 659 798  
 Hinsdale..... 325 367 412 574 577  
 Jackson..... 202 275 368 461 516  
 Kit Carson..... 209 285 380 477 532  
 La Plata..... 387 427 563 784 925  
 Lincoln..... 290 325 391 489 641  
 Mesa..... 244 348 443 602 710  
 Moffat..... 202 316 368 512 603  
 Montrose..... 308 349 455 631 745  
 Otero..... 231 275 368 461 554  
 Park..... 274 384 500 695 790  
 Pitkin..... 521 712 949 1252 1423  
 Rio Blanco..... 272 275 368 513 563  
 Routt..... 325 420 554 770 908  
 San Juan..... 210 339 381 530 547  
 Sedgwick..... 202 275 368 459 578  
 Teller..... 301 411 549 762 768  
 Yuma..... 203 275 368 510 514

Archuleta..... 267 381 427 590 697  
 Bent..... 202 276 368 468 515  
 Cheyenne..... 202 276 368 459 605  
 Conejos..... 202 328 368 462 574  
 Crowley..... 202 317 368 491 605  
 Delta..... 272 275 368 494 516  
 Eagle..... 467 508 678 944 1113  
 Fremont..... 225 295 393 549 647  
 Gilpin..... 322 461 586 773 856  
 Gunnison..... 308 324 416 580 683  
 Huerfano..... 216 275 368 476 603  
 Kiowa..... 202 326 368 467 525  
 Lake..... 322 327 436 545 680  
 Las Animas..... 292 370 417 581 685  
 Logan..... 202 275 368 494 516  
 Mineral..... 290 327 368 465 604  
 Montezuma..... 268 353 426 592 651  
 Morgan..... 284 295 385 522 631  
 Ouray..... 249 342 455 578 737  
 Phillips..... 272 277 368 491 539  
 Prowers..... 271 275 368 498 602  
 Rio Grande..... 202 275 368 491 516  
 Saguache..... 203 298 368 461 535  
 San Miguel..... 639 922 1014 1267 1634  
 Summit..... 447 536 686 955 1176  
 Washington..... 257 302 368 461 603

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 6

## C O N N E C T I C U T

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

|                                    |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------|-----|-----|-----|------|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bridgeport, CT PMSA.....           | 525 | 682 | 821 | 1027 | 1282 | Fairfield county towns of Bridgeport town, Easton town<br>Fairfield town, Monroe town, Shelton town<br>Stratford town, Trumbull town                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Danbury, CT PMSA.....              | 621 | 743 | 928 | 1226 | 1412 | New Haven county towns of Ansonia town, Beacon Falls town<br>Derby town, Milford town, Oxford town, Seymour town<br>Fairfield county towns of Bethel town, Brookfield town<br>Danbury town, New Fairfield town, Newtown town<br>Redding town, Ridgefield town, Sherman town<br>Litchfield county towns of Bridgewater town                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Hartford, CT PMSA.....             | 438 | 545 | 697 | 873  | 1061 | New Milford town, Roxbury town, Washington town<br>Hartford county towns of Avon town, Berlin town<br>Bloomfield town, Bristol town, Burlington town<br>Canton town, East Granby town, East Hartford town<br>East Windsor town, Enfield town, Farmington town<br>Glastonbury town, Granby town, Hartford town<br>Manchester town, Marlborough town, New Britain town<br>Newington town, Plainville town, Rocky Hill town<br>Simsbury town, Southington town, South Windsor town<br>Suffield town, West Hartford town, Wethersfield town<br>Windsor town, Windsor Locks town<br>Litchfield county towns of Barkhamsted town<br>Hartwinton town, New Hartford town, Plymouth town<br>Winchester town                                                         |
| New Haven-Meriden, CT PMSA.....    | 516 | 633 | 783 | 1002 | 1161 | Middlesex county towns of Cromwell town, Durham town<br>East Haddam town, East Hampton town, Haddam town<br>Middletown town, Middletown town, Portland town<br>New London county towns of Colchester town, Lebanon town<br>Tolland county towns of Andover town, Bolton town<br>Columbia town, Coventry town, Ellington town<br>Hebron town, Mansfield town, Somers town, Stafford town<br>Tolland town, Vernon town, Willington town<br>Windham county towns of Ashford town, Chaplin town<br>Windham town                                                                                                                                                                                                                                                |
| New London-Norwich, CT-RI MSA..... | 473 | 571 | 695 | 871  | 995  | Middlesex county towns of Clinton town, Killingworth town<br>New Haven county towns of Bethany town, Branford town<br>Cheshire town, East Haven town, Guilford town<br>Hamden town, Madison town, Meriden town, New Haven town<br>North Branford town, North Haven town, Orange town<br>Wallingford town, West Haven town, Woodbridge town<br>Middlesex county towns of Old Saybrook town<br>New London county towns of Bozrah town, East Lyme town<br>Franklin town, Griswold town, Groton town, Ledyard town<br>Lisbon town, Montville town, New London town<br>North Stonington t. Norwich town, Old Lyme town<br>Preston town, Salem town, Sprague town, Stonington town<br>Waterford town<br>Windham county towns of Canterbury town, Plainfield town |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 7

## C O N T E N T S continued

## METROPOLITAN FMR AREAS

|                                | O BR 1 BR 2 BR 3 BR 4 BR | Components of FMR AREA within STATE                                                                                                          |
|--------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Stamford-Norwalk, CT PMSA..... | 772 905 1103 1479 1633   | Fairfield county towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town |
| Waterbury, CT MSA.....         | 394 532 658 822 920      | Litchfield county towns of Bethlehem town, Thomaston town, Watertown town, Woodbury town                                                     |
|                                |                          | New Haven county towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town                       |
| Worcester, MA-CT.....          | 451 546 683 852 955      | Windham county towns of Thompson town                                                                                                        |

## NONMETROPOLITAN COUNTIES

|                 | O BR 1 BR 2 BR 3 BR 4 BR | Towns within non metropolitan counties                                                                                                                                                       |
|-----------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hartford.....   | 339 547 617 857 1011     | Hartland town                                                                                                                                                                                |
| Litchfield..... | 393 535 714 892 1015     | Canaan town, Colebrook town, Cornwall town, Goshen town, Kent town, Litchfield town, Morris town, Norfolk town, North Canaan town, Salisbury town, Sharon town, Torrington town, Warren town |
| Middlesex.....  | 582 659 881 1225 1444    | Chester town, Deep River town, Essex town, Westbrook town                                                                                                                                    |
| New London..... | 493 604 686 886 1125     | Lyme town, Voluntown town                                                                                                                                                                    |
| Tolland.....    | 339 547 617 857 863      | Union town                                                                                                                                                                                   |
| Windham.....    | 389 476 617 772 969      | Brooklyn town, Eastford town, Hampton town, Killingly town, Pomfret town, Putnam town, Scotland town, Sterling town, Woodstock town                                                          |

## D E L A W A R E

## METROPOLITAN FMR AREAS

|                                    | O BR 1 BR 2 BR 3 BR 4 BR | Counties of FMR AREA within STATE |
|------------------------------------|--------------------------|-----------------------------------|
| Dover, DE MSA.....                 | 402 446 509 660 750      | Kent                              |
| Wilmington-Newark, DE-MD PMSA..... | 404 534 622 845 1019     | New Castle                        |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|             |                     |                                                   |
|-------------|---------------------|---------------------------------------------------|
| Sussex..... | 354 375 480 629 672 | NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR |
|-------------|---------------------|---------------------------------------------------|

## D I S T . O F C O L U M B I A

## METROPOLITAN FMR AREAS

|                           | O BR 1 BR 2 BR 3 BR 4 BR | Counties of FMR AREA within STATE |
|---------------------------|--------------------------|-----------------------------------|
| Washington, DC-MD-VA..... | 625 710 834 1135 1368    | District of Columbia              |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR; and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## F L O R I D A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                                   |     |     |     |      |      |                                         |     |     |     |      |      |
|---------------------------------------------------|-----|-----|-----|------|------|-----------------------------------------|-----|-----|-----|------|------|
| Daytona Beach, FL MSA.....                        | 341 | 424 | 543 | 721  | 765  | Flagler, Volusia                        |     |     |     |      |      |
| Fort Lauderdale, FL PMSA.....                     | 483 | 568 | 702 | 977  | 1152 | Broward                                 |     |     |     |      |      |
| Fort Myers-Cape Coral, FL MSA.....                | 404 | 466 | 562 | 783  | 818  | Lee                                     |     |     |     |      |      |
| Fort Pierce-Port Lucie, FL MSA.....               | 414 | 455 | 590 | 767  | 827  | Martin, St. Lucie                       |     |     |     |      |      |
| Fort Walton Beach, FL MSA.....                    | 345 | 385 | 437 | 609  | 718  | Okaloosa                                |     |     |     |      |      |
| Gainesville, FL MSA.....                          | 309 | 371 | 481 | 659  | 778  | Alachua                                 |     |     |     |      |      |
| Jacksonville, FL MSA.....                         | 379 | 424 | 511 | 676  | 751  | Clay, Duval, Nassau, St. Johns          |     |     |     |      |      |
| Lakeland-Winter Haven, FL MSA.....                | 324 | 364 | 445 | 569  | 653  | Polk                                    |     |     |     |      |      |
| Melbourne-Titusville-Palm Bay, FL MSA.....        | 344 | 431 | 539 | 722  | 842  | Brevard                                 |     |     |     |      |      |
| Miami, FL PMSA.....                               | 474 | 594 | 742 | 1018 | 1181 | Dade                                    |     |     |     |      |      |
| Naples, FL MSA.....                               | 388 | 547 | 657 | 914  | 1020 | Collier                                 |     |     |     |      |      |
| Ocala, FL MSA.....                                | 308 | 365 | 429 | 590  | 692  | Marion                                  |     |     |     |      |      |
| Orlando, FL MSA.....                              | 449 | 511 | 609 | 800  | 976  | Lake, Orange, Osceola, Seminole         |     |     |     |      |      |
| Panama City, FL MSA.....                          | 313 | 337 | 412 | 573  | 615  | Bay                                     |     |     |     |      |      |
| Pensacola, FL MSA.....                            | 341 | 388 | 436 | 600  | 709  | Escambia, Santa Rosa                    |     |     |     |      |      |
| Punta Gorda, FL MSA.....                          | 343 | 415 | 553 | 768  | 906  | Charlotte                               |     |     |     |      |      |
| Sarasota-Bradenton, FL MSA.....                   | 364 | 462 | 587 | 756  | 822  | Manatee, Sarasota                       |     |     |     |      |      |
| Tallahassee, FL MSA.....                          | 372 | 410 | 541 | 708  | 853  | Gadsden, Leon                           |     |     |     |      |      |
| Tampa-St. Petersburg-Clearwater, FL MSA.....      | 367 | 437 | 541 | 720  | 872  | Hernando, Hillsborough, Pasco, Pinellas |     |     |     |      |      |
| West Palm Beach-Boca Raton, FL MSA.....           | 480 | 563 | 696 | 926  | 1143 | Palm Beach                              |     |     |     |      |      |
| NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR |     |     |     |      |      |                                         |     |     |     |      |      |
| Baker.....                                        | 205 | 333 | 375 | 469  | 556  | Bradford.....                           | 193 | 308 | 350 | 474  | 523  |
| Calhoun.....                                      | 156 | 213 | 285 | 392  | 466  | Citrus.....                             | 292 | 315 | 419 | 531  | 585  |
| Columbia.....                                     | 256 | 283 | 324 | 450  | 531  | Desoto.....                             | 304 | 308 | 407 | 532  | 569  |
| Dixie.....                                        | 228 | 256 | 288 | 401  | 473  | Franklin.....                           | 213 | 342 | 389 | 540  | 545  |
| Gilchrist.....                                    | 192 | 265 | 349 | 437  | 573  | Glades.....                             | 334 | 377 | 424 | 529  | 591  |
| Gulf.....                                         | 201 | 275 | 367 | 459  | 514  | Hamilton.....                           | 204 | 213 | 285 | 356  | 466  |
| Hardee.....                                       | 230 | 375 | 421 | 525  | 589  | Hendry.....                             | 305 | 392 | 462 | 579  | 649  |
| Highlands.....                                    | 301 | 335 | 445 | 558  | 624  | Holmes.....                             | 207 | 210 | 282 | 390  | 462  |
| Indian River.....                                 | 337 | 453 | 582 | 728  | 815  | Jackson.....                            | 154 | 249 | 282 | 375  | 462  |
| Jefferson.....                                    | 180 | 241 | 322 | 441  | 528  | Lafayette.....                          | 234 | 237 | 317 | 394  | 520  |
| Levy.....                                         | 256 | 260 | 324 | 405  | 525  | Liberty.....                            | 165 | 271 | 302 | 379  | 426  |
| Madison.....                                      | 225 | 252 | 285 | 394  | 441  | Monroe.....                             | 519 | 585 | 752 | 1037 | 1233 |
| Okeechobee.....                                   | 239 | 388 | 436 | 546  | 611  | Putnam.....                             | 264 | 295 | 333 | 448  | 511  |
| Sumter.....                                       | 294 | 321 | 373 | 466  | 523  | Suwannee.....                           | 268 | 272 | 340 | 426  | 476  |
| Taylor.....                                       | 283 | 286 | 381 | 477  | 606  | Union.....                              | 242 | 246 | 329 | 430  | 460  |
| Wakulla.....                                      | 182 | 275 | 331 | 460  | 542  | Walton.....                             | 245 | 388 | 439 | 577  | 721  |
| Washington.....                                   | 154 | 244 | 282 | 353  | 395  |                                         |     |     |     |      |      |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

**SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING**

**G E O R G I A**

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS        |     | Counties of FMR AREA within STATE |     |     |     |                                                         |   |    |   |    |  |
|-------------------------------|-----|-----------------------------------|-----|-----|-----|---------------------------------------------------------|---|----|---|----|--|
|                               | O   | BR                                | 1   | BR  | 2   | BR                                                      | 3 | BR | 4 | BR |  |
| Albany, GA MSA.....           | 270 | 286                               | 381 | 529 | 532 | Dougherty, Lee                                          |   |    |   |    |  |
| Athens, GA MSA.....           | 334 | 359                               | 465 | 633 | 763 | Clarke, Madison, Oconee                                 |   |    |   |    |  |
| Atlanta, GA.....              | 453 | 504                               | 588 | 782 | 947 | Barrow, Bartow, Cherokee, Clayton, Cobb, Coweta, Dekalb |   |    |   |    |  |
| Augusta-Aiken, GA-SC MSA..... | 320 | 383                               | 451 | 614 | 726 | Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry      |   |    |   |    |  |
| Carroll County, GA.....       | 302 | 306                               | 409 | 569 | 672 | Newton, Paulding, Rockdale, Spalding                    |   |    |   |    |  |
| Chattanooga, TN-GA MSA.....   | 308 | 361                               | 433 | 559 | 637 | Columbia, McDuffie, Richmond                            |   |    |   |    |  |
| Columbus, GA-AL MSA.....      | 312 | 348                               | 416 | 545 | 591 | Carroll                                                 |   |    |   |    |  |
| Macon, GA MSA.....            | 324 | 362                               | 420 | 580 | 596 | Catoosa, Dade, Walker                                   |   |    |   |    |  |
| Pickens County, GA.....       | 215 | 292                               | 391 | 544 | 548 | Chattahoochee, Harris, Muscogee                         |   |    |   |    |  |
| Savannah, GA MSA.....         | 326 | 405                               | 471 | 634 | 660 | Bibb, Houston, Jones, Peach, Twiggs                     |   |    |   |    |  |
| Walton County, GA.....        | 336 | 362                               | 466 | 648 | 765 | Pickens                                                 |   |    |   |    |  |
|                               |     |                                   |     |     |     | Bryan, Chatham, Effingham                               |   |    |   |    |  |
|                               |     |                                   |     |     |     | Walton                                                  |   |    |   |    |  |

## NONMETROPOLITAN COUNTIES 0 BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |   |    |   |    |               |     |     |     |     |     |     |    |   |    |
|--------------------------|-----|-----|-----|-----|--------------------------|---|----|---|----|---------------|-----|-----|-----|-----|-----|-----|----|---|----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3 | BR | 4 | BR | O             | BR  | 1   | BR  | 2   | BR  | 3   | BR | 4 | BR |
| Applying.....            | 193 | 299 | 352 | 441 | 494                      |   |    |   |    | Atkinson..... | 246 | 277 | 312 | 414 | 533 | 677 |    |   |    |
| Bacon.....               | 193 | 299 | 352 | 441 | 494                      |   |    |   |    | Baker.....    | 204 | 252 | 312 | 432 | 444 |     |    |   |    |
| Baldwin.....             | 226 | 337 | 411 | 526 | 575                      |   |    |   |    | Banks.....    | 179 | 288 | 328 | 456 | 536 |     |    |   |    |
| Beech Hill.....          | 196 | 274 | 352 | 441 | 579                      |   |    |   |    | Berrien.....  | 193 | 263 | 352 | 489 | 494 |     |    |   |    |
| Bleckley.....            | 171 | 233 | 312 | 402 | 479                      |   |    |   |    | Brantley..... | 185 | 252 | 337 | 423 | 473 |     |    |   |    |
| Brooks.....              | 250 | 253 | 339 | 437 | 558                      |   |    |   |    | Bulloch.....  | 317 | 322 | 414 | 533 | 677 |     |    |   |    |
| Burke.....               | 229 | 233 | 312 | 434 | 437                      |   |    |   |    | Butts.....    | 253 | 348 | 463 | 619 | 649 |     |    |   |    |
| Calhoun.....             | 234 | 255 | 312 | 392 | 437                      |   |    |   |    | Camden.....   | 369 | 417 | 467 | 649 | 767 |     |    |   |    |
| Candler.....             | 245 | 278 | 312 | 433 | 437                      |   |    |   |    | Charlton..... | 249 | 252 | 337 | 423 | 503 |     |    |   |    |
| Chattoga.....            | 180 | 270 | 329 | 412 | 520                      |   |    |   |    | Clay.....     | 171 | 233 | 312 | 410 | 436 |     |    |   |    |
| Clinch.....              | 171 | 235 | 312 | 436 | 439                      |   |    |   |    | Coffee.....   | 193 | 281 | 352 | 446 | 579 |     |    |   |    |
| Colquitt.....            | 250 | 253 | 339 | 437 | 558                      |   |    |   |    | Cook.....     | 185 | 302 | 339 | 471 | 558 |     |    |   |    |
| Crawford.....            | 260 | 263 | 329 | 418 | 460                      |   |    |   |    | Crisp.....    | 266 | 302 | 339 | 471 | 558 |     |    |   |    |
| Crawson.....             | 250 | 342 | 456 | 570 | 704                      |   |    |   |    | Decatur.....  | 187 | 304 | 342 | 433 | 479 |     |    |   |    |
| Dodge.....               | 232 | 235 | 316 | 438 | 462                      |   |    |   |    | Dooly.....    | 198 | 233 | 312 | 433 | 437 |     |    |   |    |
| Early.....               | 252 | 255 | 342 | 448 | 503                      |   |    |   |    | Echols.....   | 245 | 278 | 312 | 433 | 437 |     |    |   |    |
| Elbert.....              | 243 | 287 | 321 | 403 | 528                      |   |    |   |    | Emanuel.....  | 255 | 289 | 322 | 446 | 454 |     |    |   |    |
| Evans.....               | 255 | 260 | 312 | 421 | 437                      |   |    |   |    | Fannin.....   | 175 | 235 | 316 | 438 | 442 |     |    |   |    |
| Floyd.....               | 251 | 298 | 388 | 513 | 542                      |   |    |   |    | Franklin..... | 189 | 243 | 325 | 424 | 533 |     |    |   |    |
| Flitmer.....             | 252 | 255 | 341 | 427 | 479                      |   |    |   |    | Glascock..... | 171 | 233 | 312 | 390 | 511 |     |    |   |    |
| Gilynn.....              | 368 | 411 | 466 | 625 | 766                      |   |    |   |    | Gordon.....   | 312 | 316 | 395 | 511 | 651 |     |    |   |    |
| Grady.....               | 268 | 290 | 342 | 444 | 562                      |   |    |   |    | Greene.....   | 212 | 289 | 385 | 483 | 540 |     |    |   |    |
| Habersham.....           | 283 | 311 | 358 | 498 | 576                      |   |    |   |    | Hall.....     | 279 | 424 | 498 | 624 | 697 |     |    |   |    |
| Hancock.....             | 196 | 288 | 356 | 445 | 521                      |   |    |   |    | Haralson..... | 251 | 255 | 341 | 466 | 494 |     |    |   |    |
| Hart.....                | 189 | 297 | 343 | 428 | 481                      |   |    |   |    | Heard.....    | 252 | 256 | 342 | 427 | 479 |     |    |   |    |
| Hawkins.....             | 171 | 233 | 312 | 390 | 437                      |   |    |   |    | Jackson.....  | 294 | 299 | 398 | 499 | 655 |     |    |   |    |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## G E O R G I A continued

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |                 |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|--------------------------|-----------------|-----|-----|-----|-----|-----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3               | BR  | 4   | BR  |     |     |
| Jasper.....              | 216 | 294 | 392 | 533 | 549                      | Jeff Davis..... | 247 | 277 | 312 | 435 | 513 |
| Jefferson.....           | 193 | 314 | 352 | 489 | 579                      | Jenkins.....    | 171 | 278 | 312 | 433 | 513 |
| Johnson.....             | 174 | 233 | 312 | 390 | 437                      | Lamar.....      | 216 | 326 | 375 | 477 | 615 |
| Lanier.....              | 193 | 314 | 352 | 489 | 494                      | Laurens.....    | 269 | 295 | 344 | 430 | 557 |
| Liberty.....             | 328 | 366 | 416 | 578 | 582                      | Lincoln.....    | 171 | 278 | 312 | 433 | 437 |
| Long.....                | 211 | 342 | 384 | 482 | 537                      | Lowndes.....    | 296 | 357 | 432 | 606 | 669 |
| Lumpkin.....             | 219 | 355 | 399 | 534 | 655                      | McIntosh.....   | 172 | 280 | 315 | 393 | 441 |
| Macon.....               | 247 | 253 | 313 | 392 | 438                      | Marion.....     | 171 | 234 | 312 | 391 | 512 |
| Meriwether.....          | 189 | 294 | 345 | 438 | 482                      | Miller.....     | 187 | 304 | 342 | 475 | 479 |
| Mitchell.....            | 230 | 234 | 312 | 434 | 513                      | Monroe.....     | 203 | 295 | 369 | 512 | 517 |
| Montgomery.....          | 232 | 234 | 312 | 390 | 437                      | Morgan.....     | 219 | 301 | 402 | 503 | 562 |
| Murray.....              | 203 | 304 | 371 | 467 | 521                      | Oglethorpe..... | 215 | 278 | 312 | 433 | 485 |
| Pierce.....              | 230 | 252 | 312 | 405 | 437                      | Pike.....       | 306 | 332 | 420 | 584 | 588 |
| Polk.....                | 206 | 286 | 377 | 524 | 528                      | Pulaski.....    | 247 | 278 | 312 | 436 | 513 |
| Putnam.....              | 211 | 265 | 353 | 491 | 579                      | Quitman.....    | 170 | 278 | 312 | 434 | 437 |
| Rabun.....               | 186 | 297 | 338 | 424 | 534                      | Randolph.....   | 232 | 236 | 312 | 436 | 514 |
| Schley.....              | 171 | 233 | 312 | 433 | 437                      | Screven.....    | 219 | 280 | 350 | 439 | 490 |
| Seminole.....            | 187 | 285 | 342 | 475 | 479                      | Stephens.....   | 260 | 263 | 350 | 485 | 523 |
| Stewart.....             | 171 | 233 | 312 | 433 | 513                      | Sumter.....     | 213 | 322 | 386 | 488 | 541 |
| Talbot.....              | 171 | 234 | 312 | 435 | 514                      | Taliaferro..... | 171 | 276 | 312 | 389 | 512 |
| Tattnall.....            | 244 | 247 | 331 | 460 | 494                      | Taylor.....     | 246 | 276 | 312 | 433 | 437 |
| Telfair.....             | 208 | 275 | 312 | 390 | 437                      | Terrell.....    | 180 | 277 | 329 | 425 | 541 |
| Thomas.....              | 203 | 327 | 368 | 475 | 516                      | Tift.....       | 236 | 285 | 365 | 488 | 570 |
| Toombs.....              | 250 | 253 | 339 | 422 | 556                      | Towns.....      | 173 | 237 | 317 | 440 | 520 |
| Treutlen.....            | 171 | 234 | 312 | 421 | 513                      | Troup.....      | 237 | 359 | 404 | 505 | 565 |
| Turner.....              | 183 | 249 | 333 | 424 | 466                      | Union.....      | 224 | 304 | 405 | 508 | 568 |
| Upson.....               | 272 | 275 | 366 | 457 | 512                      | Ware.....       | 292 | 327 | 368 | 461 | 604 |
| Warren.....              | 245 | 278 | 312 | 390 | 437                      | Washington..... | 245 | 278 | 312 | 409 | 513 |
| Wayne.....               | 272 | 308 | 346 | 483 | 568                      | Webster.....    | 245 | 278 | 312 | 433 | 513 |
| Wheeler.....             | 206 | 279 | 312 | 392 | 451                      | White.....      | 196 | 317 | 356 | 495 | 584 |
| Whitfield.....           | 241 | 345 | 416 | 531 | 627                      | Wilcox.....     | 171 | 276 | 312 | 393 | 512 |
| Wilkes.....              | 171 | 278 | 312 | 402 | 488                      | Wilkinson.....  | 174 | 283 | 318 | 396 | 506 |
| Worth.....               | 212 | 292 | 385 | 481 | 539                      |                 |     |     |     |     |     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## H A W A I I

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Honolulu, HI MSA..... 756 904 1064 1438 1556 Honolulu

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Hawaii..... 447 582 668 889 1095

Maui..... 721 894 1091 1409 1595

## I D A H O

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Boise City, ID MSA..... 355 406 493 685 809 Ada, Canyon

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Adams..... 161 260 293 380 408

Bear Lake..... 172 236 315 438 518

Bingham..... 272 287 344 479 565

Boise..... 205 331 372 465 522

Bonneville..... 261 329 450 606 740

Butte..... 161 219 293 406 408

Caribou..... 159 219 292 406 477

Clark..... 165 265 302 419 424

Custer..... 178 244 325 439 533

Franklin..... 165 244 302 416 495

Gem..... 220 222 297 391 468

Idaho..... 236 286 318 398 446

Jerome..... 170 243 309 414 489

Latah..... 219 288 371 503 608

Lewis..... 220 223 297 371 476

Madison..... 252 256 336 466 508

Nez Perce..... 261 290 369 477 518

Owyhee..... 230 257 292 392 449

Power..... 174 278 320 399 447

Teton..... 279 283 372 519 613

Valley..... 267 271 362 502 535

Washington..... 231 260 292 392 408

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## ILLINOIS

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Bloomington-Normal, IL MSA..... 294 360 482 669 707 McLean  
 Champaign-Urbana, IL MSA..... 317 388 503 689 825 Champaign  
 Chicago, IL..... 481 577 688 860 962 Cook, Dupage, Kane, Lake, McHenry, Will  
 Davenport-Moline-Rock Island, IA-IL MSA..... 256 355 438 567 614 Henry, Rock Island  
 Decatur, IL MSA..... 246 319 410 553 574 Macon

De Kalb County, IL..... 373 435 551 765 887 Dekalb  
 Grundy County, IL..... 327 377 502 663 705 Grundy  
 Kankakee, IL PMSA..... 297 360 480 613 672 Kankakee  
 Kendall County, IL..... 450 513 619 861 866 Kendall  
 Peoria-Pekin, IL MSA..... 303 335 449 597 733 Peoria, Tazewell, Woodford

Rockford, IL MSA..... 294 377 460 578 674 Boone, Ogle, Winnebago  
 St. Louis, MO-IL MSA..... 288 352 457 594 658 Clinton, Jersey, Madison, Monroe, St. Clair  
 Springfield, IL MSA..... 285 351 468 623 708 Menard, Sangamon

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Adams..... 187 253 339 425 557  
 Bond..... 237 241 320 402 449  
 Bureau..... 230 305 359 453 503  
 Carroll..... 168 236 308 393 431  
 Christian..... 261 264 352 461 495  
 Clay..... 231 233 308 391 505  
 Crawford..... 171 241 312 435 438  
 De Witt..... 246 249 334 463 474  
 Edgar..... 179 242 310 388 435  
 Effingham..... 209 281 347 438 514

Alexander..... 168 231 308 385 505  
 Brown..... 171 234 312 389 512  
 Calhoun..... 168 272 308 426 430  
 Cass..... 243 247 331 414 462  
 Clark..... 168 231 308 422 431  
 Coles..... 256 304 406 539 637  
 Cumberland..... 178 248 308 429 463  
 Douglas..... 259 266 328 455 459  
 Edwards..... 227 231 308 385 505  
 Fayette..... 203 248 308 429 431

Ford..... 171 239 311 434 437  
 Fulton..... 184 273 334 421 501  
 Greene..... 221 245 308 393 505  
 Hancock..... 226 230 308 384 432  
 Henderson..... 168 231 308 385 434  
 Jackson..... 294 295 372 529 591  
 Jefferson..... 243 286 357 487 500  
 Johnson..... 219 231 308 430 506  
 La Salle..... 209 284 379 512 574  
 Lee..... 271 279 371 464 522

Franklin..... 177 246 323 431 452  
 Gallatin..... 169 253 308 427 449  
 Hamilton..... 168 274 308 385 431  
 Hardin..... 168 231 308 400 431  
 Iroquois..... 211 261 325 424 456  
 Jasper..... 168 275 308 429 494  
 Jo Daviess..... 269 291 341 430 478  
 Knox..... 186 252 337 442 533  
 Lawrence..... 168 249 308 423 431  
 Livingston..... 219 299 399 514 560

Logan..... 272 289 384 481 603  
 Macoupin..... 215 272 348 446 488  
 Marshall..... 187 249 316 394 443  
 Massac..... 243 273 308 427 431  
 Montgomery..... 190 240 321 411 449

McDonough..... 215 278 336 438 552  
 Marion..... 247 265 322 442 452  
 Mason..... 174 238 318 435 523  
 Mercer..... 185 250 336 420 490  
 Morgan..... 236 306 409 544 573

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 13

## I L L I N O I S continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Moultrie.....            | 201 | 256  | 341  | 472  | 478  |    | Perry.....               | 243 | 263  | 308  | 417  | 486  |    |
| Platt.....               | 211 | 295  | 383  | 523  | 537  |    | Pike.....                | 225 | 232  | 308  | 408  | 446  |    |
| Pope.....                | 169 | 233  | 308  | 386  | 506  |    | Putlaski.....            | 169 | 231  | 308  | 386  | 458  |    |
| Putnam.....              | 185 | 273  | 308  | 429  | 432  |    | Randolph.....            | 231 | 264  | 331  | 454  | 463  |    |
| Richland.....            | 237 | 240  | 308  | 384  | 431  |    | Saline.....              | 227 | 236  | 315  | 411  | 442  |    |
| Schuyler.....            | 178 | 273  | 308  | 405  | 453  |    | Scott.....               | 176 | 241  | 320  | 402  | 449  |    |
| Shelby.....              | 183 | 247  | 331  | 414  | 476  |    | Stark.....               | 168 | 230  | 308  | 429  | 432  |    |
| Stephenson.....          | 256 | 293  | 370  | 463  | 520  |    | Union.....               | 181 | 233  | 308  | 429  | 433  |    |
| Vermillion.....          | 219 | 308  | 386  | 483  | 540  |    | Wabash.....              | 183 | 259  | 332  | 441  | 545  |    |
| Warren.....              | 256 | 259  | 345  | 436  | 490  |    | Washington.....          | 213 | 291  | 387  | 485  | 629  |    |
| Wayne.....               | 169 | 240  | 308  | 394  | 506  |    | White.....               | 174 | 261  | 308  | 401  | 433  |    |
| Whiteside.....           | 256 | 292  | 388  | 486  | 546  |    | Williamson.....          | 194 | 265  | 352  | 490  | 497  |    |

## I N D I A N A

## METROPOLITAN FMR AREAS

## O B R 1 B R 2 B R 3 B R 4 B R Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                       |
|--------------------------------------|-----|-----|-----|-----|-----|-------------------------------------------------------|
| Bloomington, IN MSA.....             | 295 | 382 | 509 | 707 | 835 | Monroe                                                |
| Cincinnati, OH-KY-IN.....            | 282 | 363 | 485 | 650 | 702 | Dearborn                                              |
| Elkhart-Goshen, IN MSA.....          | 338 | 386 | 489 | 626 | 718 | Elkhart                                               |
| Evansville-Henderson, IN-KY MSA..... | 264 | 323 | 420 | 526 | 588 | Posey, Vanderburgh, Warrick                           |
| Fort Wayne, IN MSA.....              | 290 | 371 | 460 | 593 | 644 | Adams, Allen, De Kalb, Huntington, Wells, Whitley     |
| Gary, IN PMSA.....                   | 308 | 405 | 505 | 633 | 708 | Lake, Porter                                          |
| Indianapolis, IN MSA.....            | 331 | 416 | 500 | 626 | 701 | Boone, Hamilton, Hancock, Hendricks, Johnson, Madison |
| Kokomo, IN MSA.....                  | 272 | 322 | 419 | 540 | 587 | Marion, Morgan, Shelby                                |
| Lafayette, IN MSA.....               | 290 | 368 | 491 | 683 | 806 | Howard, Tipton                                        |
| Louisville, KY-IN MSA.....           | 284 | 365 | 446 | 618 | 652 | Clinton, Tippecanoe                                   |
| Muncie, IN MSA.....                  | 270 | 336 | 398 | 540 | 638 | Clark, Floyd, Harrison, Scott                         |
| Ohio County, IN.....                 | 180 | 261 | 328 | 455 | 473 | Delaware                                              |
| South Bend, IN MSA.....              | 291 | 387 | 510 | 637 | 714 | St. Joseph                                            |
| Terre Haute, IN MSA.....             | 233 | 307 | 391 | 489 | 546 | Clay, Vermillion, Vigo                                |

## NONMETROPOLITAN COUNTIES O B R 1 B R 2 B R 3 B R 4 B R

|                  |     |     |     |     |     |               |     |     |     |     |     |  |
|------------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|--|
| Bartholomew..... | 371 | 400 | 483 | 603 | 793 | Benton.....   | 182 | 291 | 331 | 446 | 463 |  |
| Blackford.....   | 214 | 293 | 389 | 487 | 545 | Brown.....    | 250 | 347 | 457 | 636 | 659 |  |
| Carroll.....     | 235 | 258 | 343 | 462 | 480 | Cass.....     | 220 | 277 | 343 | 445 | 533 |  |
| Crawford.....    | 175 | 238 | 318 | 396 | 496 | Daviess.....  | 215 | 270 | 360 | 451 | 504 |  |
| Decatur.....     | 225 | 319 | 409 | 529 | 575 | Dubois.....   | 233 | 277 | 365 | 479 | 550 |  |
| Fayette.....     | 208 | 283 | 378 | 473 | 572 | Fountain..... | 250 | 253 | 327 | 409 | 457 |  |
| Franklin.....    | 200 | 273 | 363 | 456 | 597 | Fulton.....   | 289 | 302 | 365 | 507 | 512 |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## I N D I A N A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1            | BR 2 | BR 3 | BR 4 |     |     |
| Gibson.....              | 199  | 259  | 328  | 442  | 458                      | Grant.....      | 277  | 281  | 375  | 488 | 526 |
| Greene.....              | 242  | 255  | 324  | 406  | 454                      | Henry.....      | 220  | 265  | 329  | 457 | 459 |
| Jackson.....             | 321  | 336  | 416  | 549  | 590                      | Jasper.....     | 210  | 317  | 356  | 484 | 497 |
| Jay.....                 | 250  | 258  | 318  | 442  | 445                      | Jefferson.....  | 262  | 293  | 332  | 460 | 464 |
| Jennings.....            | 274  | 278  | 361  | 485  | 506                      | Knox.....       | 267  | 288  | 382  | 479 | 535 |
| Kosciusko.....           | 245  | 346  | 418  | 542  | 585                      | Lagrange.....   | 267  | 306  | 392  | 509 | 592 |
| La Porte.....            | 267  | 322  | 431  | 552  | 604                      | Lawrence.....   | 233  | 277  | 370  | 490 | 520 |
| Marshall.....            | 309  | 314  | 418  | 527  | 585                      | Martin.....     | 178  | 240  | 318  | 442 | 469 |
| Miami.....               | 218  | 268  | 335  | 419  | 483                      | Montgomery..... | 305  | 321  | 401  | 508 | 562 |
| Newton.....              | 274  | 277  | 370  | 463  | 520                      | Noble.....      | 302  | 307  | 383  | 495 | 546 |
| Orange.....              | 244  | 247  | 318  | 420  | 450                      | Owen.....       | 251  | 256  | 341  | 440 | 558 |
| Parke.....               | 196  | 281  | 356  | 454  | 557                      | Perry.....      | 175  | 240  | 318  | 442 | 499 |
| Pike.....                | 175  | 261  | 318  | 420  | 445                      | Pulaski.....    | 210  | 290  | 333  | 417 | 466 |
| Putnam.....              | 285  | 331  | 408  | 546  | 551                      | Randolph.....   | 240  | 283  | 329  | 434 | 460 |
| Ripley.....              | 234  | 267  | 356  | 494  | 558                      | Rush.....       | 270  | 273  | 343  | 477 | 558 |
| Spencer.....             | 176  | 250  | 322  | 448  | 495                      | Starke.....     | 229  | 287  | 363  | 456 | 509 |
| Steuben.....             | 320  | 362  | 432  | 540  | 604                      | Sullivan.....   | 189  | 258  | 344  | 430 | 516 |
| Switzerland.....         | 177  | 268  | 323  | 449  | 468                      | Union.....      | 175  | 244  | 318  | 442 | 448 |
| Wabash.....              | 215  | 286  | 337  | 468  | 513                      | Warren.....     | 175  | 277  | 318  | 443 | 523 |
| Washington.....          | 188  | 257  | 342  | 455  | 482                      | Wayne.....      | 240  | 282  | 366  | 458 | 531 |
| White.....               | 262  | 280  | 359  | 448  | 589                      |                 |      |      |      |     |     |

## I O W A

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                              |     |     |     |     |     |                      |
|----------------------------------------------|-----|-----|-----|-----|-----|----------------------|
| Cedar Rapids, IA MSA.....                    | 251 | 354 | 454 | 633 | 679 | Linn                 |
| Davenport-Moline-Rock Island, IA-IL MSA..... | 256 | 355 | 438 | 567 | 614 | Scott                |
| Des Moines, IA MSA.....                      | 341 | 433 | 531 | 689 | 724 | Dallas, Polk, Warren |
| Dubuque, IA MSA.....                         | 266 | 325 | 419 | 535 | 652 | Dubuque              |
| Iowa City, IA MSA.....                       | 303 | 391 | 502 | 697 | 823 | Johnson              |
| Omaha, NE-IA MSA.....                        | 283 | 387 | 490 | 642 | 720 | Pottawattamie        |
| Sioux City, IA-NE MSA.....                   | 283 | 339 | 423 | 528 | 602 | Woodbury             |
| Waterloo-Cedar Falls, IA MSA.....            | 227 | 317 | 396 | 527 | 619 | Black Hawk           |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 15

## I O W A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                  |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|------------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1             | BR 2 | BR 3 | BR 4 |     |     |
| Adair.....               | 195  | 277  | 356  | 445  | 498                      | Adams.....       | 200  | 293  | 365  | 457 | 512 |
| Allamakee.....           | 222  | 303  | 344  | 492  | 564                      | Appanoose.....   | 243  | 290  | 346  | 452 | 541 |
| Audubon.....             | 189  | 286  | 344  | 431  | 506                      | Benton.....      | 255  | 260  | 345  | 432 | 487 |
| Boone.....               | 247  | 325  | 381  | 492  | 583                      | Bremer.....      | 205  | 284  | 359  | 465 | 572 |
| Buchanan.....            | 262  | 298  | 370  | 463  | 519                      | Buena Vista..... | 263  | 296  | 381  | 476 | 533 |
| Butler.....              | 264  | 288  | 344  | 444  | 482                      | Calhoun.....     | 244  | 257  | 344  | 430 | 482 |
| Carroll.....             | 205  | 288  | 374  | 476  | 524                      | Cass.....        | 194  | 279  | 354  | 442 | 495 |
| Cedar.....               | 193  | 310  | 352  | 439  | 493                      | Cerro Gordo..... | 225  | 324  | 401  | 535 | 561 |
| Cherokee.....            | 237  | 274  | 344  | 448  | 484                      | Chickasaw.....   | 189  | 257  | 344  | 435 | 481 |
| Clarke.....              | 255  | 277  | 363  | 479  | 511                      | Clay.....        | 198  | 284  | 363  | 454 | 507 |
| Clayton.....             | 229  | 287  | 344  | 432  | 527                      | Clinton.....     | 224  | 292  | 389  | 486 | 545 |
| Crawford.....            | 244  | 261  | 344  | 448  | 482                      | Davis.....       | 190  | 260  | 345  | 432 | 484 |
| Decatur.....             | 197  | 260  | 345  | 431  | 484                      | Delaware.....    | 190  | 275  | 345  | 432 | 491 |
| Des Moines.....          | 224  | 315  | 406  | 508  | 568                      | Dickinson.....   | 203  | 278  | 370  | 463 | 519 |
| Emmet.....               | 224  | 283  | 344  | 462  | 568                      | Fayette.....     | 189  | 278  | 344  | 453 | 483 |
| Floyd.....               | 269  | 296  | 378  | 473  | 529                      | Franklin.....    | 255  | 286  | 358  | 447 | 500 |
| Fremont.....             | 272  | 275  | 362  | 452  | 566                      | Greene.....      | 188  | 257  | 344  | 479 | 482 |
| Grundy.....              | 242  | 281  | 344  | 465  | 552                      | Guthrie.....     | 188  | 272  | 344  | 489 | 565 |
| Hamilton.....            | 282  | 320  | 388  | 485  | 544                      | Hancock.....     | 220  | 289  | 364  | 461 | 510 |
| Hardin.....              | 203  | 266  | 345  | 442  | 487                      | Harrison.....    | 198  | 288  | 363  | 459 | 508 |
| Henry.....               | 219  | 313  | 398  | 498  | 564                      | Howard.....      | 195  | 292  | 355  | 428 | 561 |
| Humboldt.....            | 189  | 294  | 344  | 438  | 482                      | Ida.....         | 255  | 293  | 351  | 438 | 492 |
| Iowa.....                | 197  | 296  | 362  | 462  | 507                      | Jackson.....     | 213  | 301  | 386  | 483 | 541 |
| Jasper.....              | 219  | 313  | 397  | 496  | 556                      | Jefferson.....   | 229  | 312  | 416  | 542 | 685 |
| Jones.....               | 257  | 260  | 344  | 454  | 487                      | Keokuk.....      | 188  | 258  | 344  | 440 | 482 |
| Kossuth.....             | 198  | 272  | 363  | 456  | 509                      | Lee.....         | 218  | 296  | 396  | 495 | 555 |
| Louisa.....              | 197  | 304  | 360  | 479  | 503                      | Lucas.....       | 203  | 269  | 344  | 479 | 536 |
| Lyon.....                | 190  | 276  | 344  | 470  | 482                      | Madison.....     | 220  | 298  | 399  | 511 | 560 |
| Mahaska.....             | 221  | 289  | 368  | 479  | 516                      | Marion.....      | 229  | 339  | 416  | 520 | 583 |
| Marshall.....            | 245  | 291  | 369  | 461  | 516                      | Mills.....       | 234  | 331  | 390  | 489 | 547 |
| Mitchell.....            | 189  | 270  | 344  | 429  | 482                      | Monona.....      | 194  | 296  | 353  | 440 | 494 |
| Monroe.....              | 210  | 322  | 381  | 477  | 566                      | Montgomery.....  | 272  | 307  | 362  | 479 | 506 |
| Muscatine.....           | 238  | 305  | 406  | 540  | 568                      | O'Brien.....     | 190  | 292  | 344  | 432 | 484 |
| Osceola.....             | 202  | 277  | 368  | 461  | 516                      | Page.....        | 219  | 267  | 344  | 442 | 481 |
| Palo Alto.....           | 188  | 278  | 344  | 437  | 502                      | Plymouth.....    | 221  | 301  | 401  | 501 | 561 |
| Pocahontas.....          | 229  | 258  | 344  | 431  | 482                      | Poweshiek.....   | 263  | 325  | 416  | 520 | 583 |
| Ringgold.....            | 189  | 258  | 344  | 430  | 481                      | Sac.....         | 234  | 266  | 344  | 480 | 528 |
| Shelby.....              | 191  | 275  | 347  | 448  | 486                      | Sioux.....       | 236  | 274  | 344  | 454 | 506 |
| Story.....               | 322  | 391  | 461  | 640  | 732                      | Tama.....        | 232  | 278  | 370  | 462 | 520 |
| Taylor.....              | 201  | 275  | 367  | 460  | 539                      | Union.....       | 198  | 295  | 363  | 462 | 566 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 16

## I O W A continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Van Buren.....           | 209 | 260  | 344  | 479  | 482  |    | Wapello.....             | 225 | 306  | 387  | 484  | 542  |    |
| Washington.....          | 214 | 266  | 345  | 442  | 566  |    | Wayne.....               | 190 | 259  | 344  | 470  | 494  |    |
| Webster.....             | 215 | 292  | 389  | 489  | 546  |    | Winnebago.....           | 199 | 311  | 367  | 460  | 515  |    |
| Winneshek.....           | 199 | 280  | 363  | 455  | 509  |    | Worth.....               | 198 | 292  | 363  | 454  | 546  |    |
| Wright.....              | 195 | 295  | 356  | 445  | 498  |    |                          |     |      |      |      |      |    |

## K A N S A S

## METROPOLITAN FMR AREAS

|                             | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE      | O | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|-----------------------------|-----|------|------|------|------|----|----------------------------------------|---|------|------|------|------|----|
| Kansas City, MO-KS MSA..... | 313 | 395  | 474  | 656  | 727  |    | Johnson, Leavenworth, Miami, Wyandotte |   |      |      |      |      |    |
| Lawrence, KS MSA.....       | 323 | 387  | 497  | 692  | 796  |    | Douglas                                |   |      |      |      |      |    |
| Topeka, KS MSA.....         | 304 | 350  | 454  | 614  | 693  |    | Shawnee                                |   |      |      |      |      |    |
| Wichita, KS MSA.....        | 298 | 359  | 480  | 648  | 700  |    | Butler, Harvey, Sedgwick               |   |      |      |      |      |    |

## NONMETROPOLITAN COUNTIES

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Allen.....               | 249 | 254  | 319  | 445  | 525  |    | Anderson.....            | 175 | 238  | 319  | 444  | 447  |    |
| Atchison.....            | 188 | 259  | 344  | 433  | 564  |    | Barber.....              | 175 | 240  | 319  | 442  | 447  |    |
| Barton.....              | 179 | 249  | 326  | 422  | 460  |    | Bourbon.....             | 210 | 238  | 319  | 439  | 482  |    |
| Brown.....               | 175 | 238  | 319  | 399  | 524  |    | Chase.....               | 175 | 283  | 319  | 411  | 447  |    |
| Chautauqua.....          | 175 | 283  | 319  | 444  | 524  |    | Cherokee.....            | 174 | 252  | 319  | 417  | 447  |    |
| Cheyenne.....            | 245 | 249  | 319  | 440  | 445  |    | Clark.....               | 190 | 273  | 346  | 433  | 485  |    |
| Clay.....                | 175 | 238  | 319  | 399  | 447  |    | Cloud.....               | 252 | 284  | 319  | 400  | 448  |    |
| Coffey.....              | 262 | 274  | 335  | 419  | 550  |    | Comanche.....            | 174 | 259  | 319  | 411  | 446  |    |
| Cowley.....              | 269 | 272  | 363  | 484  | 521  |    | Crawford.....            | 210 | 280  | 373  | 468  | 524  |    |
| Decatur.....             | 175 | 238  | 319  | 399  | 447  |    | Dickinson.....           | 234 | 253  | 336  | 421  | 471  |    |
| Doniphan.....            | 177 | 241  | 322  | 402  | 451  |    | Edwards.....             | 175 | 238  | 319  | 444  | 485  |    |
| Elk.....                 | 176 | 260  | 319  | 434  | 497  |    | Ellis.....               | 235 | 274  | 366  | 444  | 524  |    |
| Ellsworth.....           | 236 | 238  | 319  | 443  | 446  |    | Finney.....              | 311 | 333  | 426  | 554  | 700  |    |
| Ford.....                | 270 | 319  | 398  | 501  | 565  |    | Franklin.....            | 273 | 278  | 370  | 462  | 578  |    |
| Geary.....               | 310 | 326  | 407  | 526  | 571  |    | Gove.....                | 176 | 285  | 319  | 445  | 448  |    |
| Graham.....              | 252 | 278  | 319  | 445  | 525  |    | Grant.....               | 231 | 320  | 362  | 502  | 547  |    |
| Gray.....                | 175 | 255  | 319  | 399  | 447  |    | Greeley.....             | 175 | 283  | 319  | 444  | 447  |    |
| Greenwood.....           | 175 | 238  | 319  | 444  | 447  |    | Hamilton.....            | 175 | 238  | 319  | 399  | 524  |    |
| Harper.....              | 175 | 245  | 319  | 444  | 495  |    | Haskell.....             | 184 | 292  | 335  | 429  | 483  |    |
| Hodgeman.....            | 175 | 238  | 319  | 399  | 447  |    | Jackson.....             | 175 | 280  | 319  | 433  | 447  |    |
| Jefferson.....           | 205 | 280  | 373  | 495  | 524  |    | Jewell.....              | 175 | 239  | 319  | 399  | 455  |    |
| Kearny.....              | 280 | 283  | 377  | 507  | 557  |    | Kingman.....             | 178 | 251  | 323  | 430  | 453  |    |
| Kiowa.....               | 235 | 238  | 319  | 436  | 524  |    | Labette.....             | 237 | 255  | 340  | 425  | 476  |    |
| Lane.....                | 174 | 285  | 319  | 445  | 448  |    | Lincoln.....             | 176 | 240  | 319  | 400  | 448  |    |
| Linn.....                | 204 | 238  | 319  | 444  | 447  |    | Logan.....               | 253 | 284  | 319  | 426  | 502  |    |
| Lyon.....                | 208 | 267  | 355  | 466  | 561  |    | Mcpherson.....           | 255 | 260  | 345  | 473  | 484  |    |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## K A N S A S continued

| NONMETROPOLITAN COUNTIES | O   | BR  | 1   | BR  | 2   | BR | 3 | BR | 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR  | 1   | BR  | 2   | BR  | 3 | BR | 4 | BR |
|--------------------------|-----|-----|-----|-----|-----|----|---|----|---|----|--------------------------|-----|-----|-----|-----|-----|-----|---|----|---|----|
| Marion.....              | 238 | 241 | 319 | 399 | 447 |    |   |    |   |    | Marshall.....            | 193 | 239 | 319 | 319 | 415 | 523 |   |    |   |    |
| Meade.....               | 235 | 238 | 319 | 427 | 524 |    |   |    |   |    | Mitchell.....            | 177 | 240 | 319 | 400 | 458 |     |   |    |   |    |
| Montgomery.....          | 205 | 253 | 336 | 458 | 504 |    |   |    |   |    | Morris.....              | 175 | 238 | 319 | 401 | 447 |     |   |    |   |    |
| Morton.....              | 188 | 307 | 344 | 430 | 482 |    |   |    |   |    | Nemaha.....              | 175 | 247 | 319 | 398 | 447 |     |   |    |   |    |
| Neosho.....              | 175 | 273 | 319 | 439 | 450 |    |   |    |   |    | Ness.....                | 235 | 238 | 319 | 444 | 447 |     |   |    |   |    |
| Norton.....              | 175 | 273 | 319 | 399 | 447 |    |   |    |   |    | Osage.....               | 235 | 238 | 319 | 425 | 447 |     |   |    |   |    |
| Osborne.....             | 177 | 252 | 319 | 446 | 527 |    |   |    |   |    | Ottawa.....              | 195 | 271 | 319 | 398 | 446 |     |   |    |   |    |
| Pawnee.....              | 175 | 238 | 319 | 444 | 524 |    |   |    |   |    | Phillips.....            | 175 | 251 | 319 | 399 | 524 |     |   |    |   |    |
| Pottawatomie.....        | 180 | 269 | 329 | 414 | 539 |    |   |    |   |    | Pratt.....               | 199 | 273 | 364 | 482 | 511 |     |   |    |   |    |
| Rawlins.....             | 185 | 273 | 319 | 400 | 459 |    |   |    |   |    | Reno.....                | 192 | 262 | 349 | 471 | 572 |     |   |    |   |    |
| Republic.....            | 174 | 240 | 319 | 398 | 519 |    |   |    |   |    | Rice.....                | 251 | 271 | 319 | 443 | 448 |     |   |    |   |    |
| Riley.....               | 312 | 344 | 458 | 573 | 694 |    |   |    |   |    | Rooks.....               | 174 | 237 | 319 | 423 | 523 |     |   |    |   |    |
| Rush.....                | 176 | 240 | 319 | 414 | 465 |    |   |    |   |    | Russell.....             | 182 | 267 | 325 | 452 | 456 |     |   |    |   |    |
| Saline.....              | 276 | 283 | 377 | 521 | 528 |    |   |    |   |    | Scott.....               | 204 | 275 | 346 | 482 | 554 |     |   |    |   |    |
| Seward.....              | 283 | 309 | 411 | 515 | 576 |    |   |    |   |    | Sheridan.....            | 175 | 275 | 319 | 444 | 522 |     |   |    |   |    |
| Sherman.....             | 175 | 241 | 319 | 428 | 447 |    |   |    |   |    | Smith.....               | 175 | 240 | 319 | 435 | 447 |     |   |    |   |    |
| Stafford.....            | 177 | 240 | 319 | 410 | 449 |    |   |    |   |    | Stanton.....             | 175 | 257 | 320 | 445 | 486 |     |   |    |   |    |
| Stevens.....             | 181 | 286 | 330 | 459 | 541 |    |   |    |   |    | Sumner.....              | 195 | 266 | 356 | 495 | 497 |     |   |    |   |    |
| Thomas.....              | 175 | 238 | 319 | 436 | 524 |    |   |    |   |    | Trego.....               | 175 | 238 | 319 | 444 | 447 |     |   |    |   |    |
| Wabaunsee.....           | 235 | 238 | 319 | 444 | 447 |    |   |    |   |    | Wallace.....             | 175 | 283 | 319 | 443 | 522 |     |   |    |   |    |
| Washington.....          | 174 | 239 | 319 | 443 | 448 |    |   |    |   |    | Wichita.....             | 207 | 283 | 377 | 473 | 587 |     |   |    |   |    |
| Wilson.....              | 175 | 245 | 319 | 443 | 524 |    |   |    |   |    | Woodson.....             | 187 | 238 | 319 | 399 | 447 |     |   |    |   |    |

## K E N T U C K Y

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                          |     |     |     |     |     |                                                    |
|------------------------------------------|-----|-----|-----|-----|-----|----------------------------------------------------|
| Cincinnati, OH-KY-IN.....                | 282 | 363 | 485 | 650 | 702 | Boone, Campbell, Kenton                            |
| Clarksville-Hopkinsville, TN-KY MSA..... | 303 | 340 | 398 | 543 | 558 | Christian                                          |
| Evansville-Henderson, IN-KY MSA.....     | 264 | 323 | 420 | 526 | 588 | Henderson                                          |
| Gallatin County, KY.....                 | 215 | 321 | 393 | 492 | 644 | Gallatin                                           |
| Grant County, KY.....                    | 203 | 279 | 370 | 517 | 610 | Grant                                              |
| Huntington-Ashland, WV-KY-OH MSA.....    | 253 | 297 | 366 | 466 | 513 | Boyd, Carter, Greenup                              |
| Lexington, KY MSA.....                   | 299 | 370 | 456 | 622 | 703 | Bourbon, Clark, Fayette, Jessamine, Madison, Scott |
| Louisville, KY-IN MSA.....               | 284 | 365 | 446 | 618 | 652 | Woodford                                           |
| Owensboro, KY MSA.....                   | 267 | 277 | 365 | 490 | 512 | Bullitt, Jefferson, Oldham                         |
| Pendleton County, KY.....                | 237 | 274 | 365 | 458 | 513 | Davless                                            |
|                                          |     |     |     |     |     | Pendleton                                          |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 18

## K E N T U C K Y continued

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |                 |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|--------------------------|-----------------|-----|-----|-----|-----|-----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3               | BR  | 4   | BR  |     |     |
| Adair.....               | 176 | 287 | 321 | 447 | 450                      | Allen.....      | 163 | 252 | 297 | 388 | 418 |
| Anderson.....            | 258 | 265 | 354 | 442 | 496                      | Ballard.....    | 141 | 193 | 257 | 357 | 389 |
| Barren.....              | 235 | 284 | 327 | 409 | 457                      | Bath.....       | 156 | 252 | 284 | 355 | 397 |
| Bell.....                | 188 | 255 | 341 | 425 | 477                      | Boyle.....      | 279 | 283 | 377 | 472 | 528 |
| Bracken.....             | 157 | 216 | 287 | 399 | 403                      | Breathitt.....  | 164 | 223 | 300 | 373 | 431 |
| Breckinridge.....        | 182 | 245 | 330 | 412 | 403                      | Butler.....     | 141 | 205 | 256 | 319 | 358 |
| Caldwell.....            | 143 | 213 | 260 | 356 | 415                      | Calloway.....   | 180 | 247 | 330 | 434 | 457 |
| Carlisle.....            | 223 | 226 | 286 | 358 | 433                      | Carroll.....    | 229 | 259 | 291 | 364 | 478 |
| Casey.....               | 150 | 243 | 274 | 343 | 384                      | Clay.....       | 153 | 223 | 280 | 350 | 391 |
| Clinton.....             | 145 | 234 | 264 | 330 | 368                      | Crittenden..... | 141 | 192 | 256 | 356 | 358 |
| Cumberland.....          | 150 | 236 | 266 | 356 | 371                      | Edmonson.....   | 145 | 233 | 271 | 329 | 367 |
| Elliott.....             | 190 | 192 | 256 | 319 | 420                      | Estill.....     | 176 | 243 | 321 | 403 | 450 |
| Fleming.....             | 159 | 219 | 292 | 365 | 410                      | Floyd.....      | 247 | 300 | 337 | 469 | 539 |
| Franklin.....            | 232 | 344 | 423 | 546 | 690                      | Fulton.....     | 233 | 245 | 329 | 412 | 480 |
| Garrard.....             | 217 | 255 | 287 | 381 | 449                      | Graves.....     | 177 | 242 | 322 | 405 | 459 |
| Grayson.....             | 147 | 237 | 269 | 359 | 426                      | Green.....      | 180 | 246 | 329 | 412 | 460 |
| Hancock.....             | 175 | 240 | 319 | 441 | 523                      | Hardin.....     | 292 | 299 | 375 | 504 | 597 |
| Hartlan.....             | 224 | 356 | 406 | 529 | 625                      | Harrison.....   | 191 | 274 | 346 | 433 | 535 |
| Hart.....                | 156 | 244 | 286 | 356 | 399                      | Henry.....      | 211 | 215 | 286 | 397 | 469 |
| Hickman.....             | 142 | 195 | 259 | 352 | 416                      | Hopkins.....    | 205 | 244 | 301 | 381 | 496 |
| Jackson.....             | 150 | 214 | 273 | 341 | 382                      | Johnson.....    | 177 | 261 | 322 | 415 | 452 |
| Knott.....               | 141 | 227 | 256 | 356 | 405                      | Knox.....       | 235 | 324 | 415 | 520 | 638 |
| Larue.....               | 148 | 203 | 271 | 340 | 379                      | Laurel.....     | 306 | 345 | 410 | 553 | 573 |
| Lawrence.....            | 195 | 238 | 277 | 383 | 388                      | Lee.....        | 141 | 228 | 257 | 320 | 361 |
| Leslie.....              | 190 | 192 | 256 | 319 | 358                      | Letcher.....    | 210 | 212 | 276 | 345 | 387 |
| Lewis.....               | 142 | 194 | 258 | 343 | 423                      | Lincoln.....    | 173 | 237 | 322 | 396 | 443 |
| Livingston.....          | 270 | 273 | 365 | 507 | 511                      | Logan.....      | 186 | 251 | 338 | 445 | 472 |
| Lyon.....                | 170 | 232 | 309 | 386 | 433                      | McCracken.....  | 265 | 286 | 357 | 457 | 586 |
| McCreary.....            | 139 | 197 | 254 | 354 | 356                      | McLean.....     | 141 | 192 | 256 | 356 | 365 |
| Magoffin.....            | 141 | 212 | 256 | 319 | 420                      | Marion.....     | 144 | 232 | 262 | 364 | 428 |
| Marshall.....            | 178 | 279 | 324 | 408 | 525                      | Martin.....     | 158 | 217 | 289 | 385 | 476 |
| Mason.....               | 223 | 258 | 318 | 437 | 446                      | Meade.....      | 242 | 301 | 346 | 458 | 570 |
| Menifee.....             | 141 | 199 | 256 | 356 | 358                      | Mercer.....     | 176 | 268 | 320 | 445 | 448 |
| Metcalfe.....            | 141 | 220 | 256 | 319 | 358                      | Monroe.....     | 201 | 227 | 254 | 324 | 375 |
| Montgomery.....          | 234 | 237 | 316 | 413 | 443                      | Morgan.....     | 176 | 241 | 320 | 402 | 449 |
| Muhlenberg.....          | 209 | 235 | 265 | 367 | 434                      | Nelson.....     | 257 | 261 | 348 | 435 | 487 |
| Nicholas.....            | 180 | 246 | 330 | 413 | 468                      | Ohio.....       | 226 | 229 | 305 | 397 | 489 |
| Owen.....                | 169 | 229 | 306 | 426 | 504                      | Owsley.....     | 147 | 202 | 270 | 338 | 378 |
| Perry.....               | 262 | 265 | 352 | 440 | 493                      | Pike.....       | 251 | 288 | 348 | 436 | 516 |
| Powell.....              | 155 | 244 | 284 | 369 | 479                      | Pulaski.....    | 257 | 267 | 346 | 438 | 462 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 19

## K E N T U C K Y continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Robertson.....           | 141 | 192  | 256  | 339  | 358  |    | Rockcastle.....          | 195 | 217  | 289  | 364  | 405  |    |
| Rowan.....               | 230 | 243  | 318  | 428  | 511  |    | Russell.....             | 158 | 243  | 289  | 361  | 405  |    |
| Shelby.....              | 236 | 309  | 346  | 483  | 486  |    | Simpson.....             | 189 | 294  | 342  | 438  | 480  |    |
| Spencer.....             | 182 | 279  | 332  | 432  | 464  |    | Taylor.....              | 283 | 334  | 375  | 501  | 566  |    |
| Todd.....                | 154 | 211  | 282  | 390  | 462  |    | Trigg.....               | 156 | 252  | 285  | 396  | 467  |    |
| Trimble.....             | 150 | 242  | 273  | 379  | 383  |    | Union.....               | 229 | 233  | 310  | 432  | 434  |    |
| Warren.....              | 222 | 303  | 405  | 506  | 584  |    | Washington.....          | 205 | 277  | 312  | 389  | 437  |    |
| Wayne.....               | 152 | 208  | 277  | 363  | 388  |    | Webster.....             | 223 | 226  | 302  | 378  | 424  |    |
| Whitley.....             | 173 | 272  | 316  | 421  | 442  |    | Wolfe.....               | 141 | 220  | 256  | 356  | 358  |    |

## L O U I S I A N A

## METROPOLITAN FMR AREAS

## O B R 1 B R 2 B R 3 B R 4 B R Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                           |
|--------------------------------------|-----|-----|-----|-----|-----|-----------------------------------------------------------|
| Alexandria, LA MSA.....              | 255 | 318 | 401 | 555 | 564 | Rapides                                                   |
| Acadia Parishes, LA.....             | 207 | 278 | 312 | 391 | 455 | Acadia                                                    |
| Baton Rouge, LA MSA.....             | 276 | 344 | 426 | 592 | 699 | Ascension, East Baton Rouge, Livingston, West Baton Rouge |
| Houma, LA MSA.....                   | 241 | 295 | 377 | 524 | 620 | Lafourche, Terrebonne                                     |
| Lafayette, LA MSA.....               | 285 | 329 | 393 | 540 | 639 | Lafayette, St. Martin                                     |
| Lake Charles, LA MSA.....            | 280 | 326 | 414 | 542 | 678 | Calcasieu                                                 |
| Monroe, LA MSA.....                  | 275 | 309 | 412 | 556 | 577 | Ouachita                                                  |
| New Orleans, LA.....                 | 334 | 382 | 477 | 650 | 785 | Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles |
| St. James Parish, LA.....            | 210 | 287 | 382 | 477 | 535 | St. John the Baptist, St. Tammany                         |
| St. Landry Parish, LA.....           | 167 | 237 | 302 | 379 | 460 | St. James                                                 |
| Shreveport-Bossier City, LA MSA..... | 311 | 353 | 444 | 594 | 728 | St. Landry                                                |
|                                      |     |     |     |     |     | Bossier, Caddo, Webster                                   |

## NONMETROPOLITAN COUNTIES O B R 1 B R 2 B R 3 B R 4 B R

|                     |     |     |     |     |     |                      |     |     |     |     |     |  |
|---------------------|-----|-----|-----|-----|-----|----------------------|-----|-----|-----|-----|-----|--|
| Allen.....          | 221 | 223 | 298 | 416 | 430 | Assumption.....      | 273 | 292 | 347 | 433 | 486 |  |
| Avoyelles.....      | 221 | 222 | 298 | 414 | 489 | Beauregard.....      | 303 | 330 | 392 | 512 | 563 |  |
| Bienville.....      | 234 | 239 | 318 | 442 | 523 | Caldwell.....        | 163 | 266 | 298 | 416 | 419 |  |
| Cameron.....        | 163 | 266 | 298 | 416 | 419 | Catahoula.....       | 169 | 223 | 298 | 416 | 419 |  |
| Claiborne.....      | 170 | 232 | 311 | 390 | 436 | Concordia.....       | 229 | 232 | 311 | 390 | 436 |  |
| De Soto.....        | 163 | 263 | 298 | 416 | 491 | East Carroll.....    | 164 | 243 | 298 | 413 | 426 |  |
| East Feliciana..... | 177 | 243 | 323 | 406 | 454 | Evangeline.....      | 217 | 265 | 298 | 373 | 432 |  |
| Franklin.....       | 175 | 266 | 298 | 416 | 491 | Grant.....           | 223 | 227 | 298 | 416 | 458 |  |
| Iberia.....         | 263 | 275 | 340 | 424 | 476 | Iberville.....       | 241 | 249 | 305 | 391 | 502 |  |
| Jackson.....        | 164 | 224 | 298 | 373 | 419 | Jefferson Davis..... | 239 | 264 | 308 | 385 | 495 |  |
| La Salle.....       | 163 | 232 | 298 | 416 | 491 | Lincoln.....         | 292 | 294 | 368 | 505 | 604 |  |
| Madison.....        | 164 | 265 | 298 | 414 | 421 | Morehouse.....       | 219 | 245 | 328 | 409 | 458 |  |
| Natchitoches.....   | 266 | 273 | 352 | 488 | 491 | Pointe Coupee.....   | 196 | 242 | 322 | 404 | 529 |  |
| Red River.....      | 163 | 223 | 298 | 416 | 491 | Richland.....        | 163 | 223 | 298 | 391 | 491 |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 20

## L O U I S I A N A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Sabine.....              | 170  | 278  | 312  | 434  | 513 | St. Helena.....          | 164  | 267  | 298  | 402  | 420 |
| St. Mary.....            | 273  | 291  | 367  | 500  | 521 | Tangipahoa.....          | 267  | 278  | 357  | 467  | 498 |
| Tensas.....              | 220  | 223  | 298  | 415  | 417 | Union.....               | 221  | 223  | 298  | 373  | 491 |
| Vermilion.....           | 234  | 250  | 301  | 389  | 423 | Vernon.....              | 286  | 319  | 363  | 469  | 555 |
| Washington.....          | 164  | 223  | 298  | 414  | 417 | West Carroll.....        | 164  | 224  | 299  | 374  | 420 |
| West Feliciana.....      | 238  | 324  | 433  | 542  | 608 | Winn.....                | 163  | 223  | 298  | 416  | 419 |

M A I N E

## M A I N E

## METROPOLITAN FMR AREAS

## Components of FMR AREA within STATE

| METROPOLITAN FMR AREAS                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Components of FMR AREA within STATE                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bangor, ME MSA.....                   | 334 | 408  | 523  | 681  | 732  |    | Penobscot county towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian I, Veazie town                                                                                                                                                                                                                                                       |
| Lewiston-Auburn, ME MSA.....          | 262 | 371  | 477  | 596  | 668  |    | Waldo county towns of Winterport town, Androscoggin county towns of Auburn city, Greene town, Lewiston city, Lisbon town, Mechanic Falls town, Poland town, Sabattus town, Turner town, Wales town, Cumberland county towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town |
| Portland, ME MSA.....                 | 396 | 511  | 672  | 840  | 942  |    | York county towns of Buxton town, Hollis town, Limington town, Old Orchard Beach                                                                                                                                                                                                                                                                                                                                                                                                           |
| Portsmouth-Rochester, NH-ME PMSA..... | 429 | 516  | 662  | 848  | 1040 |    | York county towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town                                                                                                                                                                                                                                                                                                                                                                                                 |

## NONMETROPOLITAN COUNTIES

## Towns within non metropolitan counties

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Towns within non metropolitan counties                                                                                                 |
|--------------------------|-----|------|------|------|------|----|----------------------------------------------------------------------------------------------------------------------------------------|
| Androscoggin.....        | 285 | 369  | 491  | 615  | 688  |    | Durham town, Leeds town, Livermore town, Livermore Falls to, Minot town                                                                |
| Aroostook.....           | 261 | 310  | 414  | 518  | 581  |    | Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town |
| Cumberland.....          | 439 | 447  | 595  | 810  | 929  |    |                                                                                                                                        |
| Franklin.....            | 306 | 349  | 425  | 568  | 598  |    |                                                                                                                                        |
| Hancock.....             | 323 | 396  | 489  | 617  | 685  |    |                                                                                                                                        |
| Kennebec.....            | 312 | 389  | 468  | 586  | 655  |    |                                                                                                                                        |
| Knox.....                | 275 | 386  | 501  | 667  | 703  |    |                                                                                                                                        |
| Lincoln.....             | 390 | 434  | 493  | 686  | 810  |    |                                                                                                                                        |
| Oxford.....              | 248 | 348  | 435  | 545  | 611  |    |                                                                                                                                        |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 21

## M A I N E continued

## NONMETROPOLITAN COUNTIES

|                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Towns within non metropolitan counties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|-----|------|------|------|------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penobscot..... | 283 | 326  | 435  | 549  | 611  |    | Alton town, Argyle unorg., Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penob., East Millinocket t, Edinburg town, Enfield town, Etha town, Exeter town, Garland town, Greenbush town, Greenfield town, Howland town, Hudson town, Kingman unorg., Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot un, Passadumkeag town, Patten town, Plymouth town, Prentiss plantatio, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly unorg., Webster plantation, Whitney unorg., Winn town, Woodville town |

|                  |     |     |     |     |     |  |
|------------------|-----|-----|-----|-----|-----|--|
| Piscataquis..... | 230 | 344 | 420 | 524 | 588 |  |
| Sagadahoc.....   | 422 | 483 | 595 | 792 | 977 |  |
| Somerset.....    | 314 | 358 | 424 | 531 | 677 |  |
| Waldo.....       | 244 | 351 | 445 | 555 | 631 |  |

Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town, Stockton Springs t, Swanville town, Thorndike town, Troy town, Unity town, Waldo town

|                 |     |     |     |     |     |  |
|-----------------|-----|-----|-----|-----|-----|--|
| Washington..... | 236 | 324 | 431 | 539 | 605 |  |
| York.....       | 369 | 424 | 568 | 710 | 794 |  |

## M A R Y L A N D

## METROPOLITAN FMR AREAS

|                            | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                                               |
|----------------------------|-----|------|------|------|------|----|---------------------------------------------------------------------------------|
| Baltimore, MD.....         | 396 | 485  | 592  | 782  | 895  |    | Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city |
| Columbia, MD.....          | 516 | 693  | 807  | 1067 | 1333 |    | Columbia                                                                        |
| Cumberland, MD-WV MSA..... | 222 | 280  | 365  | 482  | 528  |    | Allegany                                                                        |
| Hagerstown, MD PMSA.....   | 246 | 340  | 448  | 561  | 664  |    | Washington                                                                      |
| Washington, DC-MD-VA.....  | 625 | 710  | 834  | 1135 | 1368 |    | Calvert, Charles, Frederick, Montgomery, Prince George's                        |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M A R Y L A N D continued

## METROPOLITAN FMR AREAS

|                                    | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|------------------------------------|-----|------|------|------|------|----|-----------------------------------|
| Wilmington-Newark, DE-MD PMSA..... | 404 | 534  | 622  | 845  | 1019 |    | Cecil                             |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|-----------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Caroline.....   | 340 | 358  | 459  | 602  | 645  |    | Dorchester.....          | 294 | 394  | 459  | 573  | 641  |    |
| Garrett.....    | 298 | 409  | 459  | 574  | 754  |    | Kent.....                | 308 | 379  | 506  | 632  | 763  |    |
| St. Mary's..... | 465 | 552  | 636  | 886  | 1014 |    | Somerset.....            | 362 | 408  | 459  | 637  | 753  |    |
| Talbot.....     | 403 | 426  | 569  | 712  | 933  |    | Wicomico.....            | 342 | 397  | 511  | 650  | 715  |    |
| Worcester.....  | 252 | 367  | 460  | 639  | 643  |    |                          |     |      |      |      |      |    |

## M A S S A C H U S E T T S

## METROPOLITAN FMR AREAS

## Components of FMR AREA within STATE

|                                  | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Components of FMR AREA within STATE                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Barnstable-Yarmouth, MA MSA..... | 447 | 599  | 800  | 1001 | 1121 |    | Barnstable county towns of Barnstable town, Brewster town, Chatham town, Dennis town, Eastham town, Harwich town, Mashpee town, Orleans town, Sandwich town, Yarmouth town, Bristol county towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city                                                                                                            |
| Boston, MA-NH PMSA.....          | 550 | 619  | 775  | 969  | 1137 |    | Essex county towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town |

Middlesex county towns of Acton town, Arlington town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wineland town, Weston town, Wilmington town, Winchester town, Woburn city

Norfolk county towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

MA S A C H U S E T T S continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

|                                                |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------|-----|-----|-----|-----|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Brockton, MA PMSA.....                         | 416 | 549 | 673 | 839 | 955  | Stoughton town, Walpole town, Wellesley town<br>Westwood town, Weymouth town, Wrentham town<br>Plymouth county towns of Carver town, Duxbury town<br>Hanover town, Hingham town, Hull town, Kingston town<br>Marshfield town, Norwell town, Pembroke town<br>Plymouth town, Rockland town, Scituate town<br>Wareham town<br>Suffolk county towns of Boston city, Chelsea city<br>Revere city, Winthrop town<br>Worcester county towns of Berlin town, Blackstone town<br>Bolton town, Harvard town, Hopedale town, Lancaster town<br>Mendon town, Milford town, Millville town<br>Southborough town, Upton town<br>Bristol county towns of Easton town, Raynham town<br>Norfolk county towns of Avon town<br>Plymouth county towns of Abington town, Bridgewater town<br>Brockton city, East Bridgewater t, Halifax town<br>Hanson town, Lakeville town, Middleborough town<br>Plympton town, West Bridgewater t, Whitman town<br>Middlesex county towns of Ashby town, Fitchburg city<br>Worcester county towns of Ashburnham town, Fitchburg city<br>Gardner city, Leominster city, Lunenburg town<br>Templeton town, Westminster town, Winchendon town<br>Essex county towns of Andover town, Boxford town<br>Georgetown town, Groveland town, Haverhill city<br>Lawrence city, Merrimac town, Methuen town<br>North Andover town, West Newbury town<br>Middlesex county towns of Billerica town, Chelmsford town<br>Dracut town, Dunstable town, Groton town, Lowell city<br>Pepperell town, Tewksbury town, Tyngsborough town<br>Westford town<br>Bristol county towns of Acushnet town, Dartmouth town<br>Fairhaven town, Freetown town, New Bedford city<br>Plymouth county towns of Marion town, Mattapoisett town<br>Rochester town<br>Berkshire county towns of Adams town, Cheshire town<br>Dalton town, Hinsdale town, Lanesborough town, Lee town<br>Lenox town, Pittsfield city, Richmond town<br>Stockbridge town<br>Bristol county towns of Attleboro city, Fall River city<br>North Attleborough, Rehoboth town, Seekonk town<br>Somerset town, Swansea town, Westport town<br>Franklin county towns of Sunderland town<br>Hampden county towns of Agawam town, Chicopee city<br>East Longmeadow to, Hampden town, Holyoke city<br>Longmeadow town, Ludlow town, Monson town<br>Montgomery town, Palmer town, Russell town |
| Fitchburg-Leominster, MA MSA.....              | 364 | 511 | 663 | 855 | 928  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Lawrence, MA-NH PMSA.....                      | 429 | 518 | 650 | 813 | 1001 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Lowell, MA-NH PMSA.....                        | 421 | 544 | 658 | 824 | 922  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| New Bedford, MA MSA.....                       | 404 | 494 | 561 | 701 | 786  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Pittsfield, MA MSA.....                        | 325 | 461 | 569 | 713 | 884  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Providence-Fall River-Warwick, RI-MA PMSA..... | 390 | 530 | 638 | 800 | 985  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Springfield, MA MSA.....                       | 383 | 473 | 598 | 747 | 917  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 24

## MASSACHUSETTS continued

## METROPOLITAN FMR AREAS

0 BR 1 BR 2 BR 3 BR 4 BR

Components of FMR AREA within STATE

Southwick town, Springfield city, Westfield city  
West Springfield t, Wilbraham town  
Hampshire county towns of Amherst town, Belchertown town  
Easthampton town, Granby town, Hadley town  
Hatfield town, Huntington town, Northampton city  
Southampton town, South Hadley town, Ware town  
Williamsburg town

Worcester, MA-CT..... 451 546 683 852 955

Hampden county towns of Holland town  
Worcester county towns of Auburn town, Barre town  
Boylston town, Brookfield town, Charlton town  
Clinton town, Douglas town, Dudley town  
East Brookfield to, Grafton town, Holden town  
Leicester town, Millbury town, Northborough town  
Northbridge town, North Brookfield t, Oakham town  
Oxford town, Paxton town, Princeton town, Rutland town  
Shrewsbury town, Southbridge town, Spencer town  
Sterling town, Sturbridge town, Sutton town  
Uxbridge town, Webster town, Westborough town  
West Boylston town, West Brookfield to, Worcester city

## NONMETROPOLITAN COUNTIES

0 BR 1 BR 2 BR 3 BR 4 BR

Towns within non metropolitan counties

Barnstable..... 422 579 771 964 1079

Bourne town, Falmouth town, Provincetown town  
Truro town, Wellfleet town

Berkshire..... 355 432 509 699 837

Alford town, Becket town, Clarksburg town, Egremont town  
Florida town, Great Barrington t, Hancock town  
Monterey town, Mount Washington t, New Ashford town  
New Marlborough to, North Adams city, Otis town  
Peru town, Sandisfield town, Savoy town, Sheffield town  
Tyringham town, Washington town, West Stockbridge t  
Williamstown town, Windsor town

Dukes..... 571 580 772 965 1082

Ashfield town, Bernardston town, Buckland town  
Charlemont town, Colrain town, Conway town

Franklin..... 383 475 608 760 918

Deerfield town, Erving town, Gill town, Greenfield town  
Hawley town, Heath town, Leverett town, Leyden town  
Monroe town, Montague town, New Salem town  
Northfield town, Orange town, Rowe town, Shelburne town  
Shutesbury town, Warwick town, Wendell town  
Whately town

Hampden..... 387 527 703 936 1154

Blandford town, Brimfield town, Chester town  
Granville town, Tolland town, Wales town

Hampshire..... 542 548 734 917 1028

Chesterfield town, Cummington town, Goshen town  
Middlefield town, Pelham town, Plainfield town  
Westhampton town, Worthington town

Nantucket..... 685 917 1224 1530 1714

Athol town, Hardwick town, Hubbardston town

Worcester..... 431 449 599 749 839

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR; and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

OS0895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 25

M A S S A C H U S E T T S continued

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

New Braintree town, Petersham town, Phillipston town  
Royalston town, Warren town

## M I C H I G A N

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Ann Arbor, MI PMSA..... 427 517 638 837 938 Lenawee, Livingston, Washtenaw  
 Benton Harbor, MI MSA..... 343 347 456 570 640 Berrien  
 Detroit, MI PMSA..... 335 456 550 688 771 Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne  
 Flint, MI PMSA..... 323 368 460 589 644 Genesee  
 Grand Rapids-Muskegon-Holland, MI MSA..... 360 420 513 643 719 Allegan, Kent, Muskegon, Ottawa  
 Jackson, MI MSA..... 253 354 461 576 646 Jackson  
 Kalamazoo-Battle Creek, MI MSA..... 320 385 486 608 680 Calhoun, Kalamazoo, Van Buren  
 Lansing-East Lansing, MI MSA..... 341 401 517 676 781 Clinton, Eaton, Ingham  
 Saginaw-Bay City-Midland, MI MSA..... 314 346 461 576 646 Bay, Midland, Saginaw

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Alcona..... 259 281 374 499 525 Alger..... 271 274 366 458 513  
 Alpena..... 196 301 355 451 582 Antrim..... 208 323 365 492 539  
 Arenac..... 247 293 360 451 529 Baraga..... 180 265 331 414 489  
 Barry..... 265 333 444 556 623 Benzie..... 283 286 377 525 528  
 Branch..... 312 320 394 538 555 Cass..... 268 296 393 536 553  
 Charlevoix..... 328 332 421 572 592 Cheboygan..... 285 300 361 498 593  
 Chippewa..... 228 288 367 460 564 Clare..... 281 289 357 459 506  
 Crawford..... 296 299 399 545 568 Delta..... 234 293 345 478 516  
 Dickinson..... 225 332 410 512 574 Emmet..... 302 362 427 560 597  
 Gladwin..... 271 275 366 481 536 Gogebic..... 240 258 331 415 473  
 Grand Traverse..... 358 383 511 640 716 Gratiot..... 283 288 378 474 531  
 Hillsdale..... 205 294 367 490 514 Houghton..... 208 277 331 415 542  
 Huron..... 187 297 338 440 475 Ionia..... 331 335 420 524 588  
 Iosco..... 258 305 373 496 612 Iron..... 182 247 331 421 463  
 Isabella..... 302 322 431 582 707 Kalkaska..... 259 298 392 509 644  
 Keweenaw..... 182 253 331 424 463 Lake..... 274 277 360 502 516  
 Leelanau..... 366 397 463 606 760 Luce..... 271 274 366 458 513  
 Mackinac..... 257 289 357 446 499 Manistee..... 187 273 338 436 475  
 Marquette..... 262 297 381 492 577 Mason..... 232 281 347 434 569  
 Mecosta..... 251 298 380 529 627 Menominee..... 256 259 341 475 478  
 Missaukee..... 285 299 360 458 505 Montcalm..... 275 295 378 474 531  
 Montmorency..... 207 282 375 469 551 Newaygo..... 310 333 392 491 551  
 Oceana..... 289 307 365 464 512 Ogemaw..... 282 308 358 496 501

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I C H I G A N continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Ontonagon.....           | 231 | 270  | 331  | 460  | 483  |    | Oscoda.....              | 198 | 280  | 360  | 460  | 503  |    |
| Oscoda.....              | 256 | 299  | 336  | 433  | 528  |    | Otsego.....              | 278 | 335  | 423  | 587  | 681  |    |
| Presque Isle.....        | 262 | 268  | 335  | 432  | 468  |    | Roscommon.....           | 299 | 302  | 383  | 480  | 537  |    |
| St. Joseph.....          | 240 | 314  | 389  | 509  | 545  |    | Sanilac.....             | 215 | 317  | 377  | 509  | 566  |    |
| Schoolcraft.....         | 240 | 247  | 331  | 440  | 463  |    | Shiawassee.....          | 269 | 339  | 409  | 568  | 609  |    |
| Tuscola.....             | 294 | 320  | 427  | 534  | 597  |    | Wexford.....             | 267 | 311  | 405  | 530  | 627  |    |

## M I N N E S O T A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                          |
|--------------------------------------|-----|-----|-----|-----|-----|----------------------------------------------------------|
| Duluth-Superior, MN-WI MSA.....      | 244 | 328 | 421 | 561 | 654 | St. Louis                                                |
| Fargo-Moorhead, ND-MN MSA.....       | 275 | 380 | 458 | 636 | 681 | Clay                                                     |
| Grand Forks, ND-MN MSA.....          | 285 | 340 | 446 | 616 | 687 | Polk                                                     |
| La Crosse, WI-MN MSA.....            | 241 | 332 | 423 | 565 | 685 | Houston                                                  |
| Minneapolis-St. Paul, MN-WI MSA..... | 364 | 467 | 596 | 808 | 914 | Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey |
| Rochester, MN MSA.....               | 286 | 399 | 521 | 723 | 811 | Scott, Sherburne, Washington, Wright                     |
| St. Cloud, MN MSA.....               | 310 | 400 | 472 | 598 | 762 | Benton, Stearns                                          |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                  |     |     |     |     |     |                        |     |     |     |     |     |  |
|------------------|-----|-----|-----|-----|-----|------------------------|-----|-----|-----|-----|-----|--|
| Aitkin.....      | 251 | 325 | 434 | 544 | 608 | Becker.....            | 224 | 356 | 400 | 500 | 560 |  |
| Beltrami.....    | 241 | 317 | 424 | 556 | 594 | Big Stone.....         | 179 | 265 | 328 | 411 | 459 |  |
| Blue Earth.....  | 304 | 368 | 458 | 587 | 746 | Brown.....             | 198 | 320 | 360 | 450 | 504 |  |
| Carlton.....     | 240 | 290 | 371 | 464 | 521 | Cass.....              | 203 | 276 | 369 | 482 | 517 |  |
| Chippewa.....    | 163 | 224 | 298 | 409 | 422 | Clearwater.....        | 203 | 277 | 369 | 461 | 517 |  |
| Cook.....        | 294 | 297 | 395 | 539 | 560 | Cottonwood.....        | 177 | 241 | 323 | 405 | 453 |  |
| Crow Wing.....   | 222 | 302 | 403 | 504 | 633 | Dodge.....             | 231 | 297 | 344 | 430 | 524 |  |
| Douglas.....     | 223 | 283 | 346 | 469 | 538 | Faribault.....         | 175 | 247 | 302 | 392 | 427 |  |
| Fillmore.....    | 176 | 240 | 321 | 427 | 450 | Freeborn.....          | 215 | 294 | 391 | 514 | 550 |  |
| Goodhue.....     | 241 | 319 | 426 | 544 | 597 | Grant.....             | 193 | 264 | 353 | 441 | 525 |  |
| Hubbard.....     | 253 | 282 | 358 | 458 | 501 | Itasca.....            | 317 | 321 | 419 | 524 | 586 |  |
| Jackson.....     | 214 | 252 | 298 | 399 | 419 | Kanabec.....           | 222 | 311 | 405 | 505 | 566 |  |
| Kandiyohi.....   | 233 | 314 | 380 | 476 | 577 | Kittson.....           | 171 | 275 | 312 | 426 | 429 |  |
| Koochiching..... | 300 | 305 | 407 | 507 | 666 | Lac qui Parle.....     | 166 | 228 | 305 | 381 | 427 |  |
| Lake.....        | 175 | 264 | 319 | 397 | 524 | Lake of the Woods..... | 188 | 256 | 341 | 426 | 477 |  |
| Le Sueur.....    | 210 | 302 | 381 | 477 | 591 | Lincoln.....           | 156 | 215 | 285 | 357 | 470 |  |
| Lyon.....        | 214 | 259 | 347 | 457 | 568 | McLeod.....            | 234 | 320 | 426 | 531 | 595 |  |
| Mahnomen.....    | 191 | 262 | 348 | 435 | 488 | Marshall.....          | 174 | 230 | 307 | 383 | 431 |  |
| Martin.....      | 179 | 244 | 327 | 409 | 536 | Meeker.....            | 257 | 271 | 352 | 440 | 492 |  |
| Millie Lacs..... | 264 | 289 | 384 | 535 | 630 | Morrison.....          | 276 | 285 | 380 | 475 | 532 |  |
| Mower.....       | 211 | 293 | 349 | 439 | 489 | Murray.....            | 164 | 226 | 301 | 401 | 423 |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## MISSISSIPPI

## continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1            | BR 2 | BR 3 | BR 4 |     |     |
| Nicollet.....            | 310  | 332  | 443  | 586  | 621                      | Nobles.....     | 205  | 274  | 360  | 450 | 504 |
| Norman.....              | 192  | 299  | 349  | 436  | 489                      | Otter Tail..... | 203  | 273  | 370  | 462 | 518 |
| Pennington.....          | 203  | 276  | 368  | 512  | 518                      | Pine.....       | 275  | 278  | 362  | 483 | 541 |
| Pipestone.....           | 165  | 227  | 302  | 409  | 496                      | Pope.....       | 163  | 224  | 298  | 372 | 419 |
| Red Lake.....            | 196  | 312  | 356  | 445  | 498                      | Redwood.....    | 178  | 227  | 302  | 378 | 424 |
| Renville.....            | 231  | 267  | 325  | 406  | 455                      | Rice.....       | 260  | 355  | 473  | 591 | 663 |
| Rock.....                | 163  | 224  | 298  | 372  | 465                      | Roseau.....     | 300  | 305  | 401  | 517 | 562 |
| Sibley.....              | 224  | 227  | 291  | 405  | 420                      | Steele.....     | 268  | 309  | 413  | 516 | 578 |
| Stevens.....             | 283  | 357  | 403  | 504  | 564                      | Swift.....      | 221  | 262  | 298  | 384 | 419 |
| Todd.....                | 187  | 252  | 306  | 407  | 429                      | Traverse.....   | 163  | 252  | 299  | 374 | 420 |
| Wabasha.....             | 196  | 268  | 357  | 470  | 499                      | Wadena.....     | 205  | 240  | 298  | 391 | 445 |
| Waseca.....              | 275  | 280  | 372  | 466  | 522                      | Watsonwan.....  | 163  | 247  | 298  | 416 | 430 |
| Wilkin.....              | 163  | 225  | 300  | 379  | 422                      | Winona.....     | 253  | 329  | 418  | 522 | 585 |
| Yellow Medicine.....     | 163  | 224  | 298  | 382  | 419                      |                 |      |      |      |     |     |

M I S S I S S I P P I

| METROPOLITAN FMR AREAS                  |      |      |      |      | Counties of FMR AREA within STATE |      |      |      |      |                            |
|-----------------------------------------|------|------|------|------|-----------------------------------|------|------|------|------|----------------------------|
| O                                       | BR 1 | BR 2 | BR 3 | BR 4 | O                                 | BR 1 | BR 2 | BR 3 | BR 4 |                            |
| Biloxi-Gulfport-Pascagoula, MS MSA..... |      |      |      |      | 319                               | 374  | 431  | 599  | 708  | Hancock, Harrison, Jackson |
| Hattiesburg, MS MSA.....                |      |      |      |      | 229                               | 288  | 352  | 474  | 565  | Forrest, Lamar             |
| Jackson, MS MSA.....                    |      |      |      |      | 347                               | 397  | 484  | 644  | 679  | Hinds, Madison, Rankin     |
| Memphis, TN-AR-MS MSA.....              |      |      |      |      | 311                               | 362  | 426  | 592  | 622  | Desoto                     |

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1           | BR 2 | BR 3 | BR 4 |     |     |
| Adams.....               | 206  | 269  | 344  | 441  | 562                      | Alcorn.....    | 170  | 237  | 309  | 424 | 433 |
| Amite.....               | 199  | 269  | 300  | 389  | 494                      | Attala.....    | 233  | 250  | 300  | 418 | 475 |
| Benton.....              | 165  | 269  | 300  | 418  | 422                      | Bolivar.....   | 265  | 268  | 357  | 445 | 510 |
| Calhoun.....             | 165  | 243  | 300  | 377  | 422                      | Carroll.....   | 164  | 225  | 300  | 374 | 441 |
| Chickasaw.....           | 221  | 266  | 300  | 418  | 421                      | Choctaw.....   | 170  | 233  | 311  | 389 | 436 |
| Claiborne.....           | 172  | 268  | 315  | 392  | 440                      | Clarke.....    | 165  | 237  | 300  | 389 | 494 |
| Clay.....                | 189  | 259  | 304  | 391  | 501                      | Coahoma.....   | 271  | 275  | 366  | 459 | 513 |
| Copiah.....              | 186  | 264  | 325  | 408  | 456                      | Covington..... | 165  | 269  | 300  | 400 | 422 |
| Franklin.....            | 237  | 269  | 300  | 418  | 422                      | George.....    | 180  | 252  | 330  | 413 | 485 |
| Greene.....              | 165  | 225  | 300  | 404  | 422                      | Grenada.....   | 187  | 278  | 340  | 468 | 495 |
| Holmes.....              | 165  | 225  | 300  | 377  | 422                      | Humphreys..... | 171  | 225  | 300  | 396 | 421 |
| Issaquena.....           | 245  | 337  | 447  | 560  | 628                      | Itawamba.....  | 228  | 231  | 300  | 417 | 422 |
| Jasper.....              | 164  | 266  | 300  | 415  | 453                      | Jefferson..... | 165  | 269  | 300  | 418 | 455 |
| Jefferson Davis.....     | 201  | 225  | 300  | 377  | 455                      | Jones.....     | 224  | 226  | 300  | 419 | 423 |
| Kemper.....              | 236  | 267  | 300  | 415  | 427                      | Lafayette..... | 237  | 324  | 432  | 541 | 605 |
| Lauderdale.....          | 221  | 301  | 379  | 491  | 531                      | Lawrence.....  | 165  | 260  | 300  | 414 | 486 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 28

## M I S S I P P I continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Leake.....               | 165 | 252  | 300  | 418  | 445  |    | Lee.....                 | 293 | 314  | 379  | 474  | 531  |    |
| Leflore.....             | 231 | 248  | 323  | 442  | 530  |    | Lincoln.....             | 165 | 269  | 300  | 418  | 422  |    |
| Lowndes.....             | 289 | 310  | 369  | 462  | 521  |    | Marion.....              | 217 | 228  | 300  | 411  | 494  |    |
| Marshall.....            | 226 | 229  | 306  | 426  | 504  |    | Monroe.....              | 168 | 272  | 305  | 396  | 428  |    |
| Montgomery.....          | 165 | 225  | 300  | 377  | 494  |    | Neshoba.....             | 218 | 226  | 300  | 401  | 419  |    |
| Newton.....              | 224 | 267  | 300  | 419  | 424  |    | Noxubee.....             | 238 | 269  | 300  | 404  | 491  |    |
| Oktibbeha.....           | 287 | 298  | 365  | 507  | 598  |    | Panola.....              | 241 | 246  | 305  | 425  | 428  |    |
| Pearl River.....         | 245 | 248  | 329  | 443  | 460  |    | Perry.....               | 165 | 252  | 300  | 418  | 494  |    |
| Pike.....                | 238 | 269  | 302  | 418  | 496  |    | Pontotoc.....            | 193 | 243  | 300  | 418  | 422  |    |
| Prentiss.....            | 237 | 265  | 300  | 390  | 465  |    | Quitman.....             | 165 | 225  | 300  | 418  | 445  |    |
| Scott.....               | 165 | 269  | 300  | 380  | 422  |    | Sharkey.....             | 238 | 268  | 300  | 382  | 495  |    |
| Simpson.....             | 237 | 246  | 300  | 418  | 459  |    | Smith.....               | 223 | 268  | 300  | 377  | 494  |    |
| Stone.....               | 165 | 269  | 300  | 377  | 494  |    | Sunflower.....           | 258 | 281  | 327  | 412  | 526  |    |
| Tallahatchie.....        | 220 | 224  | 300  | 374  | 467  |    | Tate.....                | 200 | 315  | 365  | 457  | 600  |    |
| Tippah.....              | 174 | 267  | 300  | 376  | 421  |    | Tishomingo.....          | 165 | 266  | 300  | 400  | 420  |    |
| Tunica.....              | 165 | 225  | 300  | 418  | 452  |    | Union.....               | 165 | 269  | 300  | 377  | 422  |    |
| Walthall.....            | 180 | 246  | 300  | 418  | 422  |    | Warren.....              | 211 | 305  | 381  | 525  | 630  |    |
| Washington.....          | 252 | 300  | 401  | 518  | 570  |    | Wayne.....               | 220 | 225  | 300  | 377  | 422  |    |
| Webster.....             | 236 | 266  | 300  | 389  | 419  |    | Wilkinson.....           | 223 | 225  | 300  | 395  | 494  |    |
| Winston.....             | 223 | 226  | 300  | 420  | 494  |    | Yalobusha.....           | 236 | 244  | 300  | 375  | 421  |    |
| Yazoo.....               | 238 | 255  | 329  | 412  | 460  |    |                          |     |      |      |      |      |    |

## M I S S O U R I

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                             |     |     |     |     |     |                                                        |
|-----------------------------|-----|-----|-----|-----|-----|--------------------------------------------------------|
| Columbia, MO MSA.....       | 239 | 335 | 436 | 607 | 716 | Boone                                                  |
| Joplin, MO MSA.....         | 233 | 269 | 358 | 471 | 506 | Jasper, Newton                                         |
| Kansas City, MO-KS MSA..... | 313 | 395 | 474 | 656 | 727 | Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray   |
| St. Joseph, MO MSA.....     | 202 | 271 | 362 | 456 | 507 | Andrew, Buchanan                                       |
| St. Louis, MO-IL MSA.....   | 288 | 352 | 457 | 594 | 658 | Crawford-Sullivan (part), Franklin, Jefferson, Lincoln |
| Springfield, MO MSA.....    | 245 | 310 | 400 | 552 | 576 | St. Charles, St. Louis, Warren, St. Louis city         |
|                             |     |     |     |     |     | St. Charles, Greene, Webster                           |

| NONMETROPOLITAN COUNTIES | O | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|---|------|------|------|------|----|
|--------------------------|---|------|------|------|------|----|

|                |     |     |     |     |     |  |
|----------------|-----|-----|-----|-----|-----|--|
| Adair.....     | 216 | 278 | 370 | 465 | 558 |  |
| Audrain.....   | 238 | 241 | 321 | 447 | 516 |  |
| Barton.....    | 164 | 211 | 280 | 352 | 460 |  |
| Benton.....    | 252 | 255 | 341 | 426 | 477 |  |
| Butler.....    | 180 | 233 | 312 | 399 | 437 |  |
| Callaway.....  | 264 | 267 | 356 | 452 | 584 |  |
| Atchison.....  | 204 | 246 | 277 | 349 | 382 |  |
| Barry.....     | 178 | 265 | 326 | 413 | 453 |  |
| Bates.....     | 169 | 229 | 306 | 426 | 502 |  |
| Bollinger..... | 151 | 230 | 275 | 343 | 385 |  |
| Caldwell.....  | 192 | 260 | 348 | 436 | 487 |  |
| Camden.....    | 293 | 296 | 396 | 550 | 646 |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I S S O U R I continued

| NONMETROPOLITAN COUNTIES | O   | BR  | 1   | BR  | 2   | BR | 3 | BR | 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR  | 1   | BR  | 2   | BR | 3 | BR | 4 | BR |
|--------------------------|-----|-----|-----|-----|-----|----|---|----|---|----|--------------------------|-----|-----|-----|-----|-----|----|---|----|---|----|
| Cape Girardeau.....      | 230 | 282 | 375 | 500 | 613 |    |   |    |   |    | Carroll.....             | 146 | 200 | 267 | 370 | 437 |    |   |    |   |    |
| Carter.....              | 208 | 235 | 265 | 369 | 371 |    |   |    |   |    | Cedar.....               | 177 | 211 | 281 | 392 | 462 |    |   |    |   |    |
| Chariton.....            | 193 | 198 | 265 | 366 | 403 |    |   |    |   |    | Clark.....               | 147 | 201 | 269 | 336 | 394 |    |   |    |   |    |
| Cole.....                | 216 | 294 | 392 | 523 | 549 |    |   |    |   |    | Cooper.....              | 167 | 229 | 303 | 420 | 466 |    |   |    |   |    |
| Crawford.....            | 245 | 294 | 332 | 437 | 489 |    |   |    |   |    | Dade.....                | 146 | 235 | 265 | 353 | 435 |    |   |    |   |    |
| Dallas.....              | 208 | 240 | 298 | 373 | 487 |    |   |    |   |    | Davless.....             | 162 | 223 | 298 | 403 | 474 |    |   |    |   |    |
| Dekalb.....              | 231 | 234 | 314 | 435 | 439 |    |   |    |   |    | Dent.....                | 212 | 235 | 294 | 394 | 469 |    |   |    |   |    |
| Douglas.....             | 217 | 219 | 280 | 391 | 392 |    |   |    |   |    | Dunklin.....             | 181 | 200 | 265 | 364 | 390 |    |   |    |   |    |
| Gasconade.....           | 175 | 249 | 320 | 428 | 446 |    |   |    |   |    | Gentry.....              | 156 | 222 | 283 | 354 | 394 |    |   |    |   |    |
| Grundy.....              | 205 | 243 | 307 | 415 | 479 |    |   |    |   |    | Harrison.....            | 196 | 221 | 268 | 335 | 373 |    |   |    |   |    |
| Henry.....               | 255 | 260 | 345 | 433 | 568 |    |   |    |   |    | Hickory.....             | 169 | 230 | 307 | 384 | 430 |    |   |    |   |    |
| Holt.....                | 159 | 215 | 290 | 366 | 404 |    |   |    |   |    | Howard.....              | 204 | 226 | 301 | 386 | 494 |    |   |    |   |    |
| Howell.....              | 207 | 251 | 298 | 379 | 418 |    |   |    |   |    | Iron.....                | 161 | 242 | 293 | 389 | 447 |    |   |    |   |    |
| Johnson.....             | 268 | 299 | 390 | 517 | 611 |    |   |    |   |    | Knox.....                | 146 | 201 | 268 | 371 | 373 |    |   |    |   |    |
| Laclede.....             | 189 | 252 | 318 | 433 | 445 |    |   |    |   |    | Lawrence.....            | 236 | 264 | 315 | 428 | 431 |    |   |    |   |    |
| Lewis.....               | 203 | 222 | 275 | 353 | 442 |    |   |    |   |    | Linn.....                | 164 | 244 | 296 | 412 | 487 |    |   |    |   |    |
| Livingston.....          | 206 | 249 | 332 | 430 | 465 |    |   |    |   |    | McDonald.....            | 214 | 216 | 276 | 384 | 406 |    |   |    |   |    |
| Macon.....               | 180 | 245 | 327 | 409 | 458 |    |   |    |   |    | Madison.....             | 178 | 248 | 305 | 381 | 435 |    |   |    |   |    |
| Maries.....              | 154 | 223 | 281 | 362 | 393 |    |   |    |   |    | Marion.....              | 189 | 228 | 305 | 423 | 460 |    |   |    |   |    |
| Mercer.....              | 195 | 236 | 265 | 369 | 435 |    |   |    |   |    | Miller.....              | 245 | 294 | 330 | 433 | 511 |    |   |    |   |    |
| Mississippi.....         | 152 | 210 | 279 | 389 | 392 |    |   |    |   |    | Moniteau.....            | 203 | 216 | 286 | 391 | 405 |    |   |    |   |    |
| Monroe.....              | 158 | 218 | 290 | 403 | 405 |    |   |    |   |    | Montgomery.....          | 176 | 240 | 320 | 405 | 449 |    |   |    |   |    |
| Morgan.....              | 189 | 250 | 306 | 426 | 456 |    |   |    |   |    | New Madrid.....          | 207 | 225 | 301 | 377 | 422 |    |   |    |   |    |
| Nodaway.....             | 235 | 284 | 351 | 446 | 538 |    |   |    |   |    | Oregon.....              | 207 | 231 | 265 | 347 | 372 |    |   |    |   |    |
| Osage.....               | 152 | 210 | 279 | 389 | 392 |    |   |    |   |    | Ozark.....               | 146 | 198 | 265 | 369 | 371 |    |   |    |   |    |
| Pemiscot.....            | 205 | 208 | 267 | 372 | 374 |    |   |    |   |    | Perry.....               | 260 | 264 | 352 | 468 | 492 |    |   |    |   |    |
| Pettis.....              | 239 | 280 | 375 | 472 | 565 |    |   |    |   |    | Phelps.....              | 231 | 276 | 355 | 481 | 522 |    |   |    |   |    |
| Pike.....                | 205 | 236 | 316 | 394 | 518 |    |   |    |   |    | Polk.....                | 179 | 259 | 325 | 417 | 516 |    |   |    |   |    |
| Pulaski.....             | 218 | 312 | 351 | 464 | 518 |    |   |    |   |    | Putnam.....              | 156 | 210 | 282 | 352 | 395 |    |   |    |   |    |
| Ralls.....               | 157 | 228 | 285 | 398 | 401 |    |   |    |   |    | Randolph.....            | 176 | 246 | 320 | 402 | 479 |    |   |    |   |    |
| Reynolds.....            | 195 | 197 | 265 | 357 | 434 |    |   |    |   |    | Ripley.....              | 149 | 204 | 272 | 343 | 448 |    |   |    |   |    |
| St. Clair.....           | 152 | 208 | 278 | 362 | 390 |    |   |    |   |    | Ste. Genevieve.....      | 187 | 265 | 341 | 437 | 553 |    |   |    |   |    |
| St. Francois.....        | 235 | 296 | 375 | 471 | 617 |    |   |    |   |    | Saline.....              | 185 | 253 | 339 | 430 | 491 |    |   |    |   |    |
| Schuyler.....            | 202 | 207 | 277 | 385 | 403 |    |   |    |   |    | Scotland.....            | 157 | 215 | 285 | 398 | 409 |    |   |    |   |    |
| Scott.....               | 268 | 270 | 361 | 487 | 561 |    |   |    |   |    | Shannon.....             | 146 | 198 | 265 | 347 | 371 |    |   |    |   |    |
| Shelby.....              | 145 | 196 | 265 | 368 | 378 |    |   |    |   |    | Stoddard.....            | 205 | 218 | 289 | 362 | 455 |    |   |    |   |    |
| Stone.....               | 260 | 275 | 342 | 437 | 479 |    |   |    |   |    | Sullivan.....            | 193 | 200 | 266 | 343 | 367 |    |   |    |   |    |
| Taney.....               | 253 | 278 | 365 | 492 | 580 |    |   |    |   |    | Texas.....               | 175 | 208 | 278 | 359 | 390 |    |   |    |   |    |
| Vernon.....              | 191 | 248 | 319 | 440 | 446 |    |   |    |   |    | Washington.....          | 262 | 315 | 354 | 444 | 495 |    |   |    |   |    |
| Wayne.....               | 201 | 204 | 271 | 352 | 446 |    |   |    |   |    | Worth.....               | 146 | 236 | 265 | 369 | 435 |    |   |    |   |    |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I S S O U R I continued

| NONMETROPOLITAN COUNTIES |  | O BR 1 BR 2 BR 3 BR 4 BR | NONMETROPOLITAN COUNTIES |                                   |     |     | O BR 1 BR 2 BR 3 BR 4 BR |
|--------------------------|--|--------------------------|--------------------------|-----------------------------------|-----|-----|--------------------------|
| Wright.....              |  | 175                      | 197                      | 266                               | 368 | 435 |                          |
| M O N T A N A            |  |                          |                          |                                   |     |     |                          |
| METROPOLITAN FMR AREAS   |  | O BR 1 BR 2 BR 3 BR 4 BR |                          | Counties of FMR AREA within STATE |     |     |                          |
| Billings, MT MSA.....    |  |                          |                          | 255                               | 312 | 417 | 560                      |
| Great Falls, MT MSA..... |  |                          |                          | 223                               | 305 | 407 | 519                      |
|                          |  |                          |                          |                                   |     |     | 680 Yellowstone          |
|                          |  |                          |                          |                                   |     |     | 634 Cascade              |
| NONMETROPOLITAN COUNTIES |  | O BR 1 BR 2 BR 3 BR 4 BR | NONMETROPOLITAN COUNTIES |                                   |     |     |                          |
| Beaverhead.....          |  | 255                      | 289                      | 370                               | 511 | 608 | 203 277 370 463 607      |
| Blaine.....              |  | 222                      | 278                      | 370                               | 463 | 518 | 222 303 405 518 663      |
| Carbon.....              |  | 237                      | 314                      | 370                               | 483 | 517 | 203 330 370 515 608      |
| Chouteau.....            |  | 203                      | 278                      | 370                               | 486 | 548 | 221 283 370 476 515      |
| Daniels.....             |  | 203                      | 330                      | 370                               | 489 | 608 | 204 279 370 485 578      |
| Deer Lodge.....          |  | 202                      | 276                      | 370                               | 470 | 557 | 203 277 370 507 593      |
| Fergus.....              |  | 204                      | 278                      | 370                               | 463 | 608 | 258 311 416 579 682      |
| Gallatin.....            |  | 250                      | 313                      | 420                               | 540 | 690 | 204 277 370 464 608      |
| Glacier.....             |  | 212                      | 290                      | 386                               | 483 | 541 | 202 329 370 464 518      |
| Granite.....             |  | 205                      | 292                      | 370                               | 464 | 519 | 277 281 370 512 526      |
| Jefferson.....           |  | 283                      | 287                      | 383                               | 505 | 536 | 203 330 370 462 518      |
| Lake.....                |  | 292                      | 306                      | 370                               | 512 | 554 | 299 350 465 648 766      |
| Liberty.....             |  | 203                      | 276                      | 370                               | 515 | 609 | 292 306 370 507 518      |
| Mccone.....              |  | 203                      | 328                      | 370                               | 514 | 518 | 274 277 370 489 518      |
| Meagher.....             |  | 203                      | 330                      | 370                               | 515 | 518 | 212 291 387 485 635      |
| Missoula.....            |  | 293                      | 344                      | 458                               | 591 | 751 | 273 277 370 465 517      |
| Park.....                |  | 217                      | 287                      | 382                               | 479 | 628 | 203 277 370 462 517      |
| Phillips.....            |  | 207                      | 277                      | 370                               | 462 | 608 | 204 329 370 514 608      |
| Powder River.....        |  | 203                      | 314                      | 370                               | 461 | 525 | 273 279 370 464 608      |
| Prairie.....             |  | 204                      | 285                      | 370                               | 516 | 536 | 203 277 370 515 575      |
| Richland.....            |  | 189                      | 336                      | 370                               | 509 | 517 | 281 284 370 504 519      |
| Rosebud.....             |  | 264                      | 285                      | 370                               | 462 | 608 | 203 277 370 462 518      |
| Sheridan.....            |  | 276                      | 277                      | 370                               | 491 | 609 | 203 277 370 465 518      |
| Stillwater.....          |  | 274                      | 277                      | 370                               | 515 | 608 | 289 303 370 515 542      |
| Teton.....               |  | 204                      | 283                      | 370                               | 516 | 520 | 274 277 370 515 518      |
| Treasure.....            |  | 203                      | 296                      | 370                               | 515 | 518 | 203 310 370 515 519      |
| Wheatland.....           |  | 202                      | 281                      | 370                               | 497 | 518 | 243 330 370 515 608      |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N E B R A S K A

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS     |     |      |      |      |      |                                  |                                   |
|----------------------------|-----|------|------|------|------|----------------------------------|-----------------------------------|
|                            | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                               | Counties of FMR AREA within STATE |
| Lincoln, NE MSA.....       | 270 | 344  | 456  | 605  | 706  | Lancaster                        |                                   |
| Omaha, NE-IA MSA.....      | 283 | 387  | 490  | 642  | 720  | Cass, Douglas, Sarpy, Washington |                                   |
| Sioux City, IA-NE MSA..... | 283 | 339  | 423  | 528  | 602  | Dakota                           |                                   |

## NONMETROPOLITAN COUNTIES

| NONMETROPOLITAN COUNTIES |     |     |     |     |     | O | BR 1          | BR 2 | BR 3 | BR 4 | BR  | NONMETROPOLITAN COUNTIES |             |     |     |     |     | O   | BR 1       | BR 2 | BR 3 | BR 4 | BR  |     |                |     |     |     |     |     |           |     |     |     |     |     |            |     |     |     |     |     |           |     |     |     |     |     |            |     |     |     |     |     |             |     |     |     |     |     |           |     |     |     |     |     |             |     |     |     |     |     |            |     |     |     |     |     |            |     |     |     |     |     |            |     |     |     |     |     |               |     |     |     |     |     |               |     |     |     |     |     |           |     |     |     |     |     |               |     |     |     |     |     |            |     |     |     |     |     |           |     |     |     |     |     |             |     |     |     |     |     |                |     |     |     |     |     |             |     |     |     |     |     |                |     |     |     |     |     |              |     |     |     |     |     |                |     |     |     |     |     |           |     |     |     |     |     |            |     |     |     |     |     |                |     |     |     |     |     |              |     |     |     |     |     |            |     |     |     |     |     |               |     |     |     |     |     |             |     |     |     |     |     |             |     |     |     |     |     |             |     |     |     |     |     |                 |     |     |     |     |     |                 |     |     |     |     |     |              |     |     |     |     |     |            |     |     |     |     |     |             |     |     |     |     |     |             |     |     |     |     |     |              |     |     |     |     |     |                  |     |     |     |     |     |           |     |     |     |     |     |                 |     |     |     |     |     |              |     |     |     |     |     |            |     |     |     |     |     |              |     |     |     |     |     |              |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |     |     |     |     |     |                    |
|--------------------------|-----|-----|-----|-----|-----|---|---------------|------|------|------|-----|--------------------------|-------------|-----|-----|-----|-----|-----|------------|------|------|------|-----|-----|----------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|------------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|--------------------|
| Adams.....               | 218 | 298 | 394 | 494 | 592 |   | Antelope..... | 184  | 300  | 337  | 469 | 473                      | Banner..... | 185 | 254 | 337 | 467 | 472 | Boone..... | 185  | 279  | 337  | 421 | 552 | Box Butte..... | 241 | 266 | 337 | 467 | 551 | Boyd..... | 184 | 298 | 337 | 421 | 472 | Brown..... | 185 | 277 | 337 | 421 | 542 | Burt..... | 186 | 254 | 337 | 440 | 521 | Cedar..... | 209 | 251 | 337 | 442 | 471 | Cherry..... | 185 | 300 | 337 | 469 | 552 | Clay..... | 186 | 252 | 337 | 451 | 472 | Cuming..... | 185 | 301 | 337 | 442 | 471 | Dawes..... | 237 | 254 | 337 | 470 | 554 | Deuel..... | 186 | 253 | 337 | 462 | 517 | Dodge..... | 206 | 282 | 376 | 495 | 526 | Fillmore..... | 195 | 254 | 337 | 426 | 472 | Frontier..... | 250 | 254 | 337 | 447 | 474 | Gage..... | 208 | 286 | 371 | 473 | 519 | Garfield..... | 184 | 252 | 337 | 445 | 517 | Grant..... | 185 | 254 | 337 | 422 | 472 | Hall..... | 214 | 292 | 389 | 512 | 575 | Harlan..... | 185 | 261 | 337 | 467 | 472 | Hitchcock..... | 186 | 252 | 337 | 423 | 473 | Hooker..... | 185 | 299 | 337 | 467 | 472 | Jefferson..... | 186 | 253 | 337 | 422 | 472 | Kearney..... | 185 | 280 | 337 | 449 | 554 | Keya Paha..... | 185 | 254 | 337 | 422 | 472 | Knox..... | 184 | 296 | 337 | 425 | 500 | Logan..... | 185 | 254 | 337 | 423 | 555 | McPherson..... | 185 | 254 | 337 | 467 | 472 | Merrick..... | 185 | 277 | 337 | 423 | 472 | Nance..... | 186 | 282 | 337 | 422 | 474 | Nuckolls..... | 184 | 252 | 337 | 420 | 471 | Pawnee..... | 184 | 282 | 337 | 470 | 473 | Phelps..... | 249 | 254 | 337 | 467 | 554 | Platte..... | 204 | 274 | 365 | 509 | 524 | Red Willow..... | 186 | 255 | 339 | 464 | 540 | Richardson..... | 184 | 251 | 337 | 421 | 473 | Stearns..... | 185 | 255 | 337 | 422 | 492 | Texas..... | 185 | 255 | 337 | 422 | 492 | Thayer..... | 185 | 255 | 337 | 422 | 492 | Valley..... | 185 | 255 | 337 | 422 | 492 | Wabasha..... | 185 | 255 | 337 | 422 | 492 | Wagon Wheel..... | 185 | 255 | 337 | 422 | 492 | Ward..... | 185 | 255 | 337 | 422 | 492 | Washington..... | 185 | 255 | 337 | 422 | 492 | Webster..... | 185 | 255 | 337 | 422 | 492 | Wells..... | 185 | 255 | 337 | 422 | 492 | Wheeler..... | 185 | 255 | 337 | 422 | 492 | Wichita..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... | 185 | 255 | 337 | 422 | 492 | Wichita Falls..... |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N E B R A S K A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Rock.....                | 185  | 292  | 337  | 459  | 491 | Saline.....              | 222  | 298  | 357  | 466  | 499 |
| Saunders.....            | 188  | 259  | 344  | 448  | 517 | Scotts Bluff.....        | 226  | 296  | 376  | 463  | 552 |
| Seward.....              | 275  | 279  | 372  | 465  | 523 | Sheridan.....            | 186  | 253  | 337  | 422  | 532 |
| Sherman.....             | 186  | 287  | 337  | 423  | 555 | Sioux.....               | 185  | 254  | 337  | 449  | 554 |
| Stanton.....             | 185  | 254  | 337  | 441  | 472 | Thayer.....              | 185  | 300  | 337  | 419  | 471 |
| Thomas.....              | 185  | 258  | 337  | 422  | 472 | Thurston.....            | 185  | 277  | 337  | 423  | 529 |
| Valley.....              | 185  | 254  | 337  | 422  | 472 | Wayne.....               | 255  | 259  | 337  | 466  | 552 |
| Webster.....             | 185  | 253  | 337  | 422  | 506 | Wheeler.....             | 185  | 254  | 337  | 467  | 472 |
| York.....                | 203  | 278  | 370  | 462  | 520 |                          |      |      |      |      |     |

## N E V A D A

## METROPOLITAN FMR AREAS

|                           | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|---------------------------|-----|------|------|------|------|----|-----------------------------------|
| Las Vegas, NV-AZ MSA..... | 450 | 534  | 636  | 884  | 1044 |    | Clark, Nye                        |
| Reno, NV MSA.....         | 438 | 509  | 653  | 908  | 1073 |    | Washoe                            |

## NONMETROPOLITAN COUNTIES

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |      |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR   |
| Churchill.....           | 411  | 416  | 556  | 768  | 912 | Douglas.....             | 369  | 538  | 673  | 935  | 1042 |
| Elko.....                | 374  | 426  | 568  | 750  | 933 | Esmeralda.....           | 395  | 493  | 555  | 693  | 777  |
| Eureka.....              | 303  | 493  | 555  | 692  | 774 | Humboldt.....            | 445  | 466  | 562  | 737  | 789  |
| Lander.....              | 305  | 473  | 555  | 695  | 911 | Lincoln.....             | 304  | 455  | 555  | 696  | 778  |
| Lyon.....                | 362  | 433  | 555  | 773  | 912 | Mineral.....             | 306  | 419  | 558  | 732  | 916  |
| Pershing.....            | 420  | 426  | 568  | 711  | 812 | Storey.....              | 426  | 432  | 568  | 791  | 933  |
| White Pine.....          | 304  | 417  | 555  | 750  | 788 | Carson City.....         | 319  | 437  | 583  | 810  | 957  |

## N E W H A M P S H I R E

## METROPOLITAN FMR AREAS

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Components of FMR AREA within STATE |
|--|---|------|------|------|------|----|-------------------------------------|
|--|---|------|------|------|------|----|-------------------------------------|

|                           |     |     |     |     |      |  |                                                           |
|---------------------------|-----|-----|-----|-----|------|--|-----------------------------------------------------------|
| Boston, MA-NH PMSA.....   | 550 | 619 | 775 | 969 | 1137 |  | Rockingham county towns of Seabrook town                  |
| Lawrence, MA-NH PMSA..... | 429 | 518 | 650 | 813 | 1001 |  | South Hampton town                                        |
|                           |     |     |     |     |      |  | Rockingham county towns of Atkinson town, Chester town    |
|                           |     |     |     |     |      |  | Danville town, Derry town, Fremont town, Hampstead town   |
|                           |     |     |     |     |      |  | Kingston town, Newton town, Plaistow town, Raymond town   |
|                           |     |     |     |     |      |  | Salem town, Sandown town, Windham town                    |
| Lowell, MA-NH PMSA.....   | 421 | 544 | 658 | 824 | 922  |  | Hillsborough county towns of Pelham town                  |
| Manchester, NH PMSA.....  | 339 | 484 | 604 | 755 | 846  |  | Hillsborough county towns of Bedford town, Goffstown town |
|                           |     |     |     |     |      |  | Manchester city, Weare town                               |
|                           |     |     |     |     |      |  | Merrimack county towns of Allenstown town, Hooksett town  |
|                           |     |     |     |     |      |  | Rockingham county towns of Auburn town, Candia town       |
|                           |     |     |     |     |      |  | Londonderry town                                          |
| Nashua, NH PMSA.....      | 400 | 557 | 691 | 940 | 1119 |  | Hillsborough county towns of Amherst town, Brookline town |
|                           |     |     |     |     |      |  | Greenville town, Hollis town, Hudson town                 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 33

## NEW HAMPSHIRE continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Portsmouth-Rochester, NH-ME PMSA..... 429 516 662 848 1040  
 Litchfield town, Mason town, Merrimack town  
 Milford town, Mont Vernon town, Nashua city  
 New Ipswich town, Wilton town  
 Rockingham county towns of Brentwood town  
 East Kingston town, Epping town, Exeter town  
 Greenland town, Hampton town, Hampton Falls town  
 Kensington town, New Castle town, Newfields town  
 Newington town, Newmarket town, North Hampton town  
 Portsmouth city, Rye town, Stratham town  
 Strafford county towns of Barrington town, Dover city  
 Durham town, Farmington town, Lee town, Madbury town  
 Milton town, Rochester city, Rollinsford town  
 Somersworth city

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

Belknap..... 403 465 612 826 1004  
 Carroll..... 337 461 615 769 960  
 Cheshire..... 417 495 634 825 977  
 Coos..... 269 351 407 555 668  
 Grafton..... 369 447 595 769 972  
 Hillsborough..... 395 493 658 870 1046  
 Merrimack..... 415 496 619 793 886  
 Antrim town, Bennington town, Deering town  
 Francestown town, Greenfield town, Hancock town  
 Hillsborough town, Lyndeborough town, New Boston town  
 Peterborough town, Sharon town, Temple town  
 Windsor town  
 Andover town, Boscawen town, Bow town, Bradford town  
 Canterbury town, Chichester town, Concord city  
 Danbury town, Dunbarton town, Epsom town, Franklin city  
 Henniker town, Hill town, Hopkinton town, Loudon town  
 Newbury town, New London town, Northfield town  
 Pembroke town, Pittsfield town, Salisbury town  
 Sutton town, Warner town, Webster town, Wilnot town  
 Deerfield town, Northwood town, Nottingham town  
 Middleton town, New Durham town, Strafford town

Rockingham..... 431 505 675 937 1081  
 Strafford..... 381 518 691 866 970  
 Sullivan..... 402 408 529 695 742

## NEW JERSEY

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Atlantic-Cape May, NJ PMSA..... 500 568 758 948 1084 Atlantic, Cape May  
 Bergen-Passaic, NJ PMSA..... 621 756 888 1183 1459 Bergen, Passaic  
 Jersey City, NJ PMSA..... 580 684 796 1011 1114 Hudson  
 Middlesex-Somerset-Hunterdon, NJ PMSA..... 681 746 931 1266 1462 Hunterdon, Middlesex, Somerset

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N E W J E R S E Y continued

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                     |     |     |     |      |      |                                       |   |    |   |    |                                   |
|--------------------------------------------|-----|-----|-----|------|------|---------------------------------------|---|----|---|----|-----------------------------------|
|                                            | O   | BR  | 1   | BR   | 2    | BR                                    | 3 | BR | 4 | BR | Counties of FMR AREA within STATE |
| Monmouth-Ocean, NJ PMSA.....               | 566 | 677 | 859 | 1141 | 1339 | Monmouth, Ocean                       |   |    |   |    |                                   |
| Newark, NJ PMSA.....                       | 538 | 687 | 828 | 1043 | 1317 | Essex, Morris, Sussex, Union, Warren  |   |    |   |    |                                   |
| Philadelphia, PA-NJ PMSA.....              | 440 | 542 | 669 | 837  | 1049 | Burlington, Camden, Gloucester, Salem |   |    |   |    |                                   |
| Trenton, NJ PMSA.....                      | 453 | 631 | 769 | 1040 | 1256 | Mercer                                |   |    |   |    |                                   |
| Vineland-Millville-Bridgeton, NJ PMSA..... | 436 | 531 | 640 | 799  | 897  | Cumberland                            |   |    |   |    |                                   |

## N E W M E X I C O

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS   |     |     |     |     |      |                                |   |    |   | Counties of FMR AREA within STATE |
|--------------------------|-----|-----|-----|-----|------|--------------------------------|---|----|---|-----------------------------------|
|                          | O   | BR  | 1   | BR  | 2    | BR                             | 3 | BR | 4 | BR                                |
| Albuquerque, NM MSA..... | 358 | 426 | 533 | 735 | 867  | Bernalillo, Sandoval, Valencia |   |    |   |                                   |
| Las Cruces, NM MSA.....  | 267 | 335 | 399 | 546 | 644  | Dona Ana                       |   |    |   |                                   |
| Santa Fe, NM MSA.....    | 385 | 547 | 676 | 906 | 1027 | Los Alamos, Santa Fe           |   |    |   |                                   |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 | O   | BR  | 1   | BR  | 2   | BR              | 3   | BR  | 4   | BR  | NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR |
|-----------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|---------------------------------------------------|
| Catron.....     | 186 | 294 | 336 | 468 | 553 | Chaves.....     | 246 | 287 | 379 | 520 | 531                                               |
| Cibola.....     | 262 | 287 | 335 | 465 | 549 | Colfax.....     | 233 | 292 | 335 | 467 | 549                                               |
| Curry.....      | 228 | 292 | 384 | 481 | 538 | DeBaca.....     | 186 | 287 | 337 | 468 | 472                                               |
| Eddy.....       | 258 | 261 | 348 | 466 | 571 | Grant.....      | 227 | 258 | 340 | 445 | 536                                               |
| Guadalupe.....  | 194 | 265 | 352 | 440 | 558 | Harding.....    | 184 | 251 | 335 | 462 | 469                                               |
| Hidalgo.....    | 186 | 260 | 336 | 422 | 472 | Lea.....        | 230 | 252 | 335 | 466 | 524                                               |
| Lincoln.....    | 286 | 292 | 387 | 509 | 636 | Luna.....       | 260 | 263 | 336 | 468 | 553                                               |
| McKinley.....   | 248 | 317 | 402 | 502 | 562 | Mora.....       | 183 | 251 | 335 | 420 | 469                                               |
| Otero.....      | 219 | 282 | 366 | 510 | 514 | Quay.....       | 248 | 365 | 411 | 514 | 575                                               |
| Rio Arriba..... | 294 | 301 | 371 | 465 | 521 | Roosevelt.....  | 247 | 267 | 339 | 462 | 546                                               |
| San Juan.....   | 285 | 305 | 381 | 529 | 626 | San Miguel..... | 280 | 283 | 378 | 473 | 529                                               |
| Sierra.....     | 208 | 253 | 336 | 468 | 472 | Socorro.....    | 191 | 284 | 347 | 482 | 569                                               |
| Taos.....       | 345 | 350 | 466 | 583 | 767 | Torrance.....   | 277 | 298 | 352 | 439 | 520                                               |
| Union.....      | 194 | 307 | 353 | 441 | 553 |                 |     |     |     |     |                                                   |

## N E W Y O R K

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS               | O   | BR  | 1   | BR   | 2    | BR                                                    | 3 | BR | 4 | BR | Counties of FMR AREA within STATE |
|--------------------------------------|-----|-----|-----|------|------|-------------------------------------------------------|---|----|---|----|-----------------------------------|
| Albany-Schenectady-Troy, NY MSA..... | 375 | 459 | 567 | 710  | 794  | Albany, Montgomery, Rensselaer, Saratoga, Schenectady |   |    |   |    |                                   |
| Binghamton, NY MSA.....              | 291 | 366 | 469 | 597  | 657  | Schoharie                                             |   |    |   |    |                                   |
| Buffalo-Niagara Falls, NY PMSA.....  | 328 | 407 | 489 | 612  | 685  | Broome, Tioga                                         |   |    |   |    |                                   |
| Dutchess County, NY PMSA.....        | 501 | 636 | 785 | 1020 | 1193 | Erie, Niagara                                         |   |    |   |    |                                   |
| Elmira, NY MSA.....                  | 286 | 369 | 461 | 582  | 697  | Dutchess                                              |   |    |   |    |                                   |
| Glens Falls, NY MSA.....             | 324 | 437 | 532 | 666  | 746  | Chemung                                               |   |    |   |    |                                   |
| Jamestown, NY MSA.....               | 220 | 322 | 387 | 499  | 542  | Warren, Washington                                    |   |    |   |    |                                   |
|                                      |     |     |     |      |      | Chautauqua                                            |   |    |   |    |                                   |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## NEW YORK continued

## METROPOLITAN FMR AREAS

|                              | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                            |
|------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------|
| Nassau-Suffolk, NY PMSA..... | 674 | 812  | 990  | 1377 | 1476 |    | Nassau, Suffolk                                              |
| New York, NY PMSA.....       | 630 | 702  | 798  | 998  | 1117 |    | Bronx, Kings, New York, Putnam, Queens, Richmond<br>Rockland |
| Westchester County, NY.....  | 605 | 788  | 960  | 1250 | 1490 |    | Westchester                                                  |
| Newburgh, NY-PA PMSA.....    | 493 | 642  | 784  | 995  | 1136 |    | Orange                                                       |
| Rochester, NY PMSA.....      | 361 | 469  | 572  | 732  | 800  |    | Genesee, Livingston, Monroe, Ontario, Orleans, Wayne         |
| Syracuse, NY PMSA.....       | 359 | 433  | 536  | 685  | 760  |    | Cayuga, Madison, Onondaga, Oswego                            |
| Utica-Rome, NY PMSA.....     | 328 | 369  | 460  | 576  | 645  |    | Herkimer, Oneida                                             |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|----------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Allegany.....  | 237 | 293  | 360  | 454  | 504  |    | Cattaraugus.....         | 237 | 291  | 377  | 471  | 582  |    |
| Chenango.....  | 355 | 360  | 427  | 547  | 605  |    | Clinton.....             | 274 | 364  | 485  | 607  | 680  |    |
| Columbia.....  | 417 | 438  | 562  | 737  | 788  |    | Cortland.....            | 274 | 399  | 500  | 625  | 739  |    |
| Delaware.....  | 322 | 371  | 436  | 577  | 716  |    | Essex.....               | 262 | 381  | 476  | 597  | 667  |    |
| Franklin.....  | 284 | 346  | 416  | 525  | 589  |    | Fulton.....              | 240 | 344  | 436  | 546  | 611  |    |
| Greene.....    | 327 | 432  | 519  | 671  | 817  |    | Hamilton.....            | 331 | 401  | 462  | 577  | 646  |    |
| Jefferson..... | 359 | 424  | 499  | 625  | 698  |    | Lewis.....               | 286 | 365  | 440  | 551  | 615  |    |
| Otsego.....    | 312 | 395  | 454  | 587  | 746  |    | St. Lawrence.....        | 264 | 338  | 441  | 551  | 634  |    |
| Schuyler.....  | 361 | 386  | 457  | 636  | 750  |    | Seneca.....              | 356 | 384  | 463  | 598  | 649  |    |
| Steuben.....   | 345 | 393  | 436  | 590  | 664  |    | Sullivan.....            | 432 | 485  | 592  | 817  | 829  |    |
| Tompkins.....  | 435 | 470  | 603  | 840  | 991  |    | Ulster.....              | 410 | 569  | 686  | 892  | 1125 |    |
| Wyoming.....   | 246 | 344  | 404  | 506  | 566  |    | Yates.....               | 323 | 366  | 443  | 555  | 601  |    |

## NORTH CAROLINA

## METROPOLITAN FMR AREAS

|                                                   | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                                        |
|---------------------------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------------------|
| Asheville, NC MSA.....                            | 269 | 333  | 434  | 564  | 609  |    | Buncombe, Madison                                                        |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA.....      | 390 | 440  | 495  | 653  | 781  |    | Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union                     |
| Fayetteville, NC MSA.....                         | 337 | 381  | 428  | 592  | 704  |    | Cumberland                                                               |
| Goldensboro, NC MSA.....                          | 194 | 293  | 353  | 490  | 579  |    | Wayne                                                                    |
| Greensboro--Winston-Salem--High Point, NC MSA...  | 346 | 394  | 470  | 648  | 658  |    | Alamance, Davidson, Davie, Forsyth, Guilford, Randolph<br>Stokes, Yadkin |
| Greenville, NC MSA.....                           | 332 | 336  | 437  | 587  | 718  |    | Pitt                                                                     |
| Hickory-Morganton, NC MSA.....                    | 347 | 378  | 439  | 552  | 656  |    | Alexander, Burke, Caldwell, Catawba                                      |
| Jacksonville, NC MSA.....                         | 313 | 366  | 412  | 573  | 678  |    | Onslow                                                                   |
| Norfolk-Virginia Beach-Newsport News, VA-NC MSA.. | 395 | 443  | 526  | 733  | 860  |    | Currituck                                                                |
| Raleigh-Durham-Chapel Hill, NC MSA.....           | 371 | 450  | 529  | 709  | 836  |    | Chatham, Durham, Franklin, Johnston, Orange, Wake                        |
| Rocky Mount, NC MSA.....                          | 293 | 306  | 372  | 510  | 562  |    | Edgecombe, Nash                                                          |
| Wilmington, NC MSA.....                           | 357 | 393  | 481  | 658  | 785  |    | Brunswick, New Hanover                                                   |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N O R T H C A R O L I N A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1            | BR 2 | BR 3 | BR 4 |     |     |
| Alleghany.....           | 265  | 322  | 376  | 469  | 587                      | Anson.....      | 195  | 316  | 356  | 481 | 498 |
| Ashe.....                | 180  | 294  | 330  | 446  | 478                      | Avery.....      | 307  | 345  | 421  | 527 | 589 |
| Beaufort.....            | 255  | 309  | 364  | 466  | 510                      | Bertie.....     | 185  | 248  | 289  | 362 | 412 |
| Bladen.....              | 229  | 276  | 310  | 388  | 435                      | Camden.....     | 258  | 351  | 468  | 585 | 657 |
| Carteret.....            | 311  | 341  | 416  | 578  | 643                      | Caswell.....    | 170  | 234  | 312  | 389 | 437 |
| Cherokee.....            | 233  | 264  | 296  | 370  | 478                      | Chowan.....     | 188  | 302  | 341  | 473 | 478 |
| Clay.....                | 158  | 258  | 289  | 402  | 406                      | Cleveland.....  | 208  | 323  | 380  | 511 | 538 |
| Columbus.....            | 247  | 282  | 316  | 411  | 443                      | Craven.....     | 227  | 343  | 414  | 542 | 580 |
| Dare.....                | 286  | 452  | 521  | 714  | 729                      | Duplin.....     | 229  | 259  | 290  | 385 | 407 |
| Gates.....               | 158  | 218  | 289  | 402  | 406                      | Graham.....     | 159  | 256  | 289  | 360 | 472 |
| Granville.....           | 291  | 312  | 367  | 511  | 577                      | Greene.....     | 205  | 313  | 374  | 407 | 551 |
| Halifax.....             | 266  | 299  | 337  | 423  | 473                      | Harnett.....    | 273  | 277  | 369  | 498 | 547 |
| Haywood.....             | 279  | 285  | 371  | 517  | 520                      | Henderson.....  | 319  | 329  | 407  | 542 | 625 |
| Hertford.....            | 251  | 256  | 341  | 427  | 479                      | Hoke.....       | 193  | 292  | 351  | 454 | 492 |
| Hyde.....                | 190  | 283  | 344  | 432  | 483                      | Iredell.....    | 331  | 340  | 448  | 560 | 628 |
| Jackson.....             | 271  | 277  | 368  | 539  | 705                      | Jones.....      | 170  | 276  | 311  | 389 | 436 |
| Lee.....                 | 228  | 351  | 416  | 539  | 583                      | Lenoir.....     | 185  | 299  | 336  | 420 | 470 |
| Mcdowell.....            | 221  | 335  | 402  | 550  | 650                      | Macon.....      | 259  | 329  | 369  | 472 | 517 |
| Martin.....              | 185  | 283  | 336  | 419  | 469                      | Mitchell.....   | 228  | 360  | 413  | 564 | 589 |
| Montgomery.....          | 275  | 279  | 358  | 447  | 502                      | Moore.....      | 273  | 332  | 395  | 541 | 649 |
| Northampton.....         | 158  | 257  | 289  | 402  | 405                      | Pamlico.....    | 183  | 295  | 333  | 430 | 466 |
| Pasquotank.....          | 317  | 339  | 423  | 587  | 593                      | Pender.....     | 235  | 333  | 374  | 467 | 607 |
| Perquimans.....          | 187  | 294  | 340  | 472  | 476                      | Person.....     | 226  | 314  | 413  | 539 | 631 |
| Polk.....                | 266  | 348  | 390  | 489  | 549                      | Richmond.....   | 235  | 270  | 359  | 449 | 502 |
| Robeson.....             | 236  | 324  | 365  | 462  | 511                      | Rockingham..... | 267  | 289  | 376  | 470 | 525 |
| Rutherford.....          | 278  | 287  | 360  | 450  | 504                      | Sampson.....    | 247  | 250  | 330  | 413 | 461 |
| Scotland.....            | 198  | 298  | 362  | 484  | 506                      | Stanly.....     | 234  | 292  | 390  | 527 | 546 |
| Surry.....               | 237  | 285  | 331  | 458  | 499                      | Swain.....      | 228  | 251  | 289  | 384 | 415 |
| Tennessee.....           | 305  | 325  | 412  | 547  | 584                      | Tyrrell.....    | 168  | 229  | 305  | 383 | 428 |
| Vance.....               | 292  | 330  | 370  | 466  | 519                      | Warren.....     | 170  | 233  | 310  | 388 | 434 |
| Washington.....          | 234  | 237  | 316  | 437  | 443                      | Watauga.....    | 359  | 431  | 545  | 741 | 893 |
| Wilkes.....              | 312  | 352  | 396  | 549  | 616                      | Wilson.....     | 288  | 292  | 389  | 488 | 548 |
| Yancey.....              | 199  | 323  | 362  | 494  | 581                      |                 |      |      |      |     |     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N O R T H D A K O T A

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS         |     |     |     |     |     |    |   |    |   |    | Counties of FMR AREA within STATE |  |  |  |  |  |
|--------------------------------|-----|-----|-----|-----|-----|----|---|----|---|----|-----------------------------------|--|--|--|--|--|
|                                | O   | BR  | 1   | BR  | 2   | BR | 3 | BR | 4 | BR |                                   |  |  |  |  |  |
| Bismarck, ND MSA.....          | 281 | 315 | 419 | 584 | 689 |    |   |    |   |    | Burleigh, Morton                  |  |  |  |  |  |
| Fargo-Moorhead, ND-MN MSA..... | 275 | 380 | 458 | 636 | 681 |    |   |    |   |    | Cass                              |  |  |  |  |  |
| Grand Forks, ND-MN MSA.....    | 285 | 340 | 446 | 616 | 687 |    |   |    |   |    | Grand Forks                       |  |  |  |  |  |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |     |     |     |     | O   | BR           | 1   | BR  | 2   | BR  | 3   | BR             | 4   | NONMETROPOLITAN COUNTIES |     |     |     |               | O   | BR  | 1   | BR  | 2   | BR             | 3   | BR  | 4   |     |     |              |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|----------------|-----|--------------------------|-----|-----|-----|---------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|-----|
| Adams.....               | 159 | 229 | 290 | 383 | 477 | Barnes.....  | 191 | 260 | 346 | 452 | 494 | Billingss..... | 225 | 253                      | 285 | 396 | 400 | Bowman.....   | 157 | 236 | 285 | 396 | 417 | Cavalier.....  | 195 | 266 | 355 | 443 | 547 | Divide.....  | 186 | 217 | 290 | 383 | 407 |
| Dunn.....                | 158 | 255 | 286 | 358 | 401 | Eddy.....    | 158 | 256 | 287 | 400 | 415 | Foster.....    | 186 | 252                      | 337 | 422 | 472 | Grant.....    | 154 | 230 | 280 | 392 | 406 | Hettinger..... | 162 | 213 | 285 | 372 | 461 | Lamoure..... | 225 | 253 | 285 | 357 | 400 |
| Logan.....               | 152 | 210 | 280 | 390 | 454 | McHenry..... | 157 | 213 | 285 | 396 | 446 | McKenzie.....  | 153 | 227                      | 280 | 390 | 444 | Mercer.....   | 167 | 234 | 305 | 425 | 502 | Nelson.....    | 157 | 213 | 285 | 357 | 468 | Pembina..... | 180 | 252 | 329 | 441 | 525 |
| Pierce.....              | 176 | 241 | 322 | 448 | 493 | Ramsey.....  | 212 | 284 | 379 | 475 | 620 | Renville.....  | 239 | 241                      | 314 | 438 | 517 | Rollette..... | 224 | 285 | 344 | 429 | 482 | Sheridan.....  | 157 | 253 | 285 | 365 | 468 | Slope.....   | 157 | 253 | 285 | 377 | 400 |
| Stark.....               | 168 | 230 | 306 | 426 | 502 | Steele.....  | 153 | 210 | 280 | 381 | 446 | Towner.....    | 236 | 265                      | 354 | 442 | 581 | Walsh.....    | 275 | 294 | 365 | 457 | 511 | Wells.....     | 220 | 223 | 294 | 368 | 483 |              |     |     |     |     |     |

## O H I O

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                |     |     |     |     |     |                                                           |   |    |   |    |                                   |
|---------------------------------------|-----|-----|-----|-----|-----|-----------------------------------------------------------|---|----|---|----|-----------------------------------|
|                                       | 0   | BR  | 1   | BR  | 2   | BR                                                        | 3 | BR | 4 | BR | Counties of FMR AREA within STATE |
| Akron, OH PMSA.....                   | 320 | 390 | 500 | 625 | 701 | Portage, Summit                                           |   |    |   |    |                                   |
| Brown County, OH.....                 | 261 | 285 | 372 | 496 | 522 | Brown                                                     |   |    |   |    |                                   |
| Canton-Massillon, OH MSA.....         | 247 | 338 | 433 | 542 | 607 | Carroll, Stark                                            |   |    |   |    |                                   |
| Cincinnati, OH-KY-IN.....             | 282 | 363 | 485 | 650 | 702 | Clermont, Hamilton, Warren                                |   |    |   |    |                                   |
| Cleveland-Lorain-Elyria, OH PMSA..... | 321 | 405 | 501 | 637 | 718 | Ashtabula, Cuyahoga, Geauga, Lake                         |   |    |   |    |                                   |
| Columbus, OH MSA.....                 | 311 | 369 | 472 | 600 | 690 | Delaware, Fairfield, Franklin, Licking, Madison, Pickaway |   |    |   |    |                                   |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

O H I O continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                       |     |     |     |     |     |                                  |
|---------------------------------------|-----|-----|-----|-----|-----|----------------------------------|
| Dayton-Springfield, OH MSA.....       | 346 | 387 | 495 | 638 | 717 | Clark, Greene, Miami, Montgomery |
| Hamilton-Middletown, OH PMSA.....     | 284 | 403 | 517 | 647 | 725 | Butler                           |
| Huntington-Ashland, WV-KY-OH MSA..... | 253 | 297 | 366 | 466 | 513 | Lawrence                         |
| Lima, OH MSA.....                     | 250 | 312 | 411 | 523 | 575 | Allen, Auglaize                  |
| Mansfield, OH MSA.....                | 217 | 312 | 397 | 496 | 555 | Crawford, Richland               |
| Parkersburg-Marietta, WV-OH MSA.....  | 278 | 332 | 380 | 493 | 507 | Washington                       |
| Steubenville-Weirton, OH-WV MSA.....  | 192 | 284 | 352 | 445 | 494 | Jefferson                        |
| Toledo, OH MSA.....                   | 326 | 396 | 484 | 624 | 677 | Fulton, Lucas, Wood              |
| Wheeling, WV-OH MSA.....              | 286 | 311 | 376 | 469 | 527 | Belmont                          |
| Youngstown-Warren, OH MSA.....        | 273 | 322 | 402 | 507 | 576 | Columbiana, Mahoning, Trumbull   |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |                |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|
| Adams.....      | 178 | 259 | 322 | 403 | 451 | Ashland.....   | 229 | 304 | 406 | 506 | 567 |
| Athens.....     | 306 | 347 | 409 | 535 | 658 | Champaign..... | 226 | 316 | 412 | 514 | 576 |
| Clinton.....    | 221 | 333 | 401 | 557 | 562 | Coshocton..... | 251 | 259 | 319 | 397 | 446 |
| Darke.....      | 286 | 291 | 387 | 485 | 544 | Defiance.....  | 272 | 305 | 407 | 512 | 569 |
| Erie.....       | 237 | 346 | 432 | 583 | 707 | Fayette.....   | 283 | 304 | 363 | 481 | 509 |
| Gallia.....     | 186 | 252 | 337 | 422 | 472 | Guernsey.....  | 202 | 275 | 366 | 488 | 542 |
| Hancock.....    | 329 | 333 | 422 | 539 | 589 | Hardin.....    | 178 | 289 | 324 | 428 | 454 |
| Harrison.....   | 171 | 241 | 312 | 430 | 491 | Henry.....     | 281 | 310 | 388 | 500 | 569 |
| Highland.....   | 256 | 259 | 345 | 445 | 483 | Hocking.....   | 257 | 291 | 360 | 460 | 520 |
| Holmes.....     | 228 | 275 | 336 | 421 | 481 | Huron.....     | 301 | 327 | 409 | 539 | 573 |
| Jackson.....    | 180 | 269 | 329 | 434 | 459 | Knox.....      | 285 | 312 | 401 | 518 | 573 |
| Logan.....      | 304 | 308 | 399 | 537 | 558 | Marion.....    | 235 | 305 | 373 | 486 | 542 |
| Meigs.....      | 195 | 245 | 308 | 400 | 506 | Mercer.....    | 202 | 276 | 368 | 491 | 564 |
| Monroe.....     | 171 | 234 | 313 | 397 | 439 | Morgan.....    | 191 | 312 | 348 | 454 | 507 |
| Morrow.....     | 202 | 295 | 368 | 460 | 520 | Muskingum..... | 248 | 278 | 352 | 440 | 492 |
| Noble.....      | 226 | 253 | 338 | 424 | 556 | Ottawa.....    | 243 | 384 | 442 | 601 | 642 |
| Paulding.....   | 245 | 251 | 319 | 422 | 524 | Perry.....     | 247 | 283 | 334 | 463 | 518 |
| Pike.....       | 184 | 297 | 334 | 439 | 467 | Preble.....    | 276 | 280 | 355 | 479 | 542 |
| Putnam.....     | 270 | 273 | 365 | 459 | 512 | Ross.....      | 301 | 313 | 382 | 478 | 535 |
| Sandusky.....   | 237 | 337 | 432 | 545 | 603 | Scioto.....    | 190 | 282 | 341 | 427 | 478 |
| Seneca.....     | 261 | 279 | 358 | 495 | 501 | Shelby.....    | 231 | 316 | 423 | 528 | 591 |
| Tuscarawas..... | 221 | 306 | 403 | 504 | 564 | Union.....     | 260 | 360 | 474 | 593 | 687 |
| Van Wert.....   | 205 | 311 | 374 | 468 | 525 | Vinton.....    | 213 | 274 | 338 | 423 | 474 |
| Wayne.....      | 245 | 344 | 423 | 537 | 591 | Williams.....  | 277 | 289 | 352 | 474 | 493 |
| Wyandot.....    | 236 | 265 | 355 | 443 | 496 |                |     |     |     |     |     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## O K L A H O M A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Enid, OK MSA..... 270 274 364 507 578 Garfield  
 Fort Smith, AR-OK MSA..... 276 280 368 494 517 Sequoyah  
 Lawton, OK MSA..... 334 336 428 595 651 Comanche  
 Oklahoma City, OK MSA..... 287 313 406 565 632 Canadian, Cleveland, Logan, McClain, Oklahoma  
 Tulsa, OK MSA..... 303 363 474 661 780 Pottawatomie  
 Tulsa, OK MSA..... 303 363 474 661 780 Creek, Osage, Rogers, Tulsa, Wagoner

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR

Adair..... 212 215 286 398 413  
 Atoka..... 158 244 286 378 442  
 Beckham..... 234 242 322 404 453  
 Bryan..... 229 250 313 437 484  
 Carter..... 193 266 332 462 503  
 Choctaw..... 157 220 286 399 401  
 Coal..... 225 236 286 397 470  
 Craig..... 177 243 323 450 531  
 Delaware..... 218 232 311 433 512  
 Ellis..... 171 258 314 392 440  
 Grady..... 252 257 341 464 560  
 Greer..... 179 259 301 376 460  
 Harper..... 158 256 286 378 401  
 Hughes..... 212 215 286 359 401  
 Jefferson..... 166 214 286 357 460  
 Kay..... 255 270 355 495 579  
 Kiowa..... 158 215 286 378 401  
 Le Flore..... 211 227 303 422 425  
 Love..... 183 249 333 418 467  
 McIntosh..... 166 228 304 380 462  
 Marshall..... 177 243 324 410 456  
 Murray..... 158 215 286 359 401  
 Noble..... 224 228 304 423 426  
 Okfuskee..... 212 215 286 359 401  
 Ottawa..... 248 260 322 435 484  
 Payne..... 266 314 401 555 622  
 Pontotoc..... 179 253 316 397 474  
 Roger Mills..... 157 214 286 398 401  
 Stephens..... 234 261 318 430 523  
 Tillman..... 226 255 286 398 470  
 Washita..... 227 234 286 398 470  
 Woodward..... 167 264 306 426 429

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR

Alfalfa..... 158 215 286 359 413  
 Beaver..... 165 268 302 420 495  
 Blaine..... 158 215 286 398 470  
 Caddo..... 161 228 293 373 412  
 Cherokee..... 242 273 310 402 510  
 Cimarron..... 156 255 286 381 471  
 Cotton..... 220 223 297 415 456  
 Custer..... 222 251 337 469 542  
 Dewey..... 156 253 286 396 400  
 Garvin..... 168 230 308 402 507  
 Grant..... 158 256 286 398 470  
 Harmon..... 164 224 299 374 420  
 Haskell..... 227 229 286 392 470  
 Jackson..... 199 298 364 478 539  
 Johnston..... 157 254 286 397 469  
 Kingfisher..... 186 272 336 441 472  
 Latimer..... 163 223 297 395 488  
 Lincoln..... 247 257 312 429 480  
 McClain..... 227 231 286 398 470  
 Major..... 180 277 329 458 460  
 Mayes..... 196 268 357 450 501  
 Muskogee..... 249 281 328 456 460  
 Nowata..... 166 228 304 380 465  
 Okmulgee..... 234 237 315 395 443  
 Pawnee..... 259 263 341 439 478  
 Pittsburg..... 210 227 303 422 498  
 Pushmataha..... 208 229 306 383 429  
 Seminole..... 212 221 286 398 436  
 Texas..... 194 274 316 439 442  
 Washington..... 212 316 385 510 597  
 Woods..... 218 221 295 395 415

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 40

## O R E G O N

## METROPOLITAN FMR AREAS

|                                     | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                                                  | Counties of FMR AREA within STATE |
|-------------------------------------|-----|------|------|------|------|-----------------------------------------------------|-----------------------------------|
| Eugene-Springfield, OR MSA.....     | 304 | 417  | 545  | 760  | 879  | Lane                                                |                                   |
| Medford-Ashtland, OR MSA.....       | 313 | 411  | 548  | 762  | 850  | Jackson                                             |                                   |
| Portland-Vancouver, OR-WA PMSA..... | 370 | 455  | 561  | 781  | 848  | Clackamas, Columbia, Multnomah, Washington, Yamhill |                                   |
| Salem, OR PMSA.....                 | 341 | 401  | 514  | 708  | 743  | Marion, Polk                                        |                                   |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR              | Counties of FMR AREA within STATE |     |     |     |     |
|----------------|-----|------|------|------|------|-----------------|-----------------------------------|-----|-----|-----|-----|
| Baker.....     | 260 | 293  | 390  | 542  | 545  | Benton.....     | 302                               | 391 | 496 | 747 | 793 |
| Clatsop.....   | 260 | 339  | 444  | 599  | 679  | Coos.....       | 269                               | 349 | 463 | 646 | 651 |
| Crook.....     | 218 | 297  | 396  | 495  | 555  | Curry.....      | 284                               | 389 | 517 | 661 | 813 |
| Deschutes..... | 353 | 407  | 544  | 757  | 877  | Douglas.....    | 274                               | 311 | 401 | 552 | 721 |
| Gilliam.....   | 231 | 361  | 419  | 525  | 587  | Grant.....      | 219                               | 300 | 400 | 500 | 632 |
| Harney.....    | 181 | 294  | 330  | 454  | 505  | Hood River..... | 315                               | 354 | 483 | 627 | 740 |
| Jefferson..... | 233 | 320  | 427  | 571  | 640  | Josephine.....  | 246                               | 347 | 447 | 602 | 705 |
| Klamath.....   | 279 | 327  | 436  | 601  | 716  | Lake.....       | 230                               | 313 | 352 | 471 | 577 |
| Lincoln.....   | 347 | 352  | 470  | 654  | 710  | Linn.....       | 253                               | 321 | 421 | 574 | 625 |
| Malheur.....   | 260 | 319  | 390  | 501  | 565  | Morrow.....     | 218                               | 285 | 356 | 492 | 524 |
| Sherman.....   | 182 | 297  | 332  | 462  | 465  | Tillamook.....  | 221                               | 327 | 406 | 549 | 597 |
| Umatilla.....  | 256 | 265  | 350  | 486  | 514  | Union.....      | 283                               | 293 | 383 | 531 | 628 |
| Wallowa.....   | 211 | 323  | 360  | 500  | 543  | Wasco.....      | 348                               | 431 | 484 | 658 | 738 |
| Wheeler.....   | 176 | 243  | 323  | 405  | 454  |                 |                                   |     |     |     |     |

## P E N N S Y L V A N I A

## METROPOLITAN FMR AREAS

|                                               | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                                                          | Counties of FMR AREA within STATE |
|-----------------------------------------------|-----|------|------|------|------|-------------------------------------------------------------|-----------------------------------|
| Allentown-Bethlehem-Easton, PA MSA.....       | 378 | 512  | 610  | 794  | 892  | Carbon, Lehigh, Northampton                                 |                                   |
| Altoona, PA MSA.....                          | 263 | 325  | 371  | 464  | 538  | Blair                                                       |                                   |
| Erie, PA MSA.....                             | 245 | 340  | 401  | 502  | 562  | Erie                                                        |                                   |
| Harrisburg-Lebanon-Carlisle, PA MSA.....      | 320 | 409  | 525  | 662  | 736  | Cumberland, Dauphin, Lebanon, Perry                         |                                   |
| Johnstown, PA MSA.....                        | 232 | 291  | 342  | 427  | 478  | Cambria, Somerset                                           |                                   |
| Lancaster, PA MSA.....                        | 343 | 422  | 526  | 686  | 738  | Lancaster                                                   |                                   |
| Newburgh, NY-PA PMSA.....                     | 493 | 642  | 784  | 995  | 1136 | Pike                                                        |                                   |
| Philadelphia, PA-NJ PMSA.....                 | 440 | 542  | 669  | 837  | 1049 | Bucks, Chester, Delaware, Montgomery, Philadelphia          |                                   |
| Pittsburgh, PA MSA.....                       | 307 | 377  | 455  | 569  | 636  | Allegheny, Beaver, Butler, Fayette, Washington Westmoreland |                                   |
| Reading, PA MSA.....                          | 272 | 401  | 495  | 620  | 699  | Berks                                                       |                                   |
| Scranton--Wilkes-Barre--Hazleton, PA MSA..... | 248 | 366  | 437  | 546  | 660  | Columbia, Lackawanna, Luzerne, Wyoming                      |                                   |
| Sharon, PA MSA.....                           | 286 | 312  | 362  | 454  | 529  | Mercer                                                      |                                   |
| State College, PA MSA.....                    | 376 | 460  | 569  | 746  | 798  | Centre                                                      |                                   |
| Williamsport, PA MSA.....                     | 221 | 334  | 401  | 502  | 562  | Lycoming                                                    |                                   |

|                   |     |     |     |     |     |      |
|-------------------|-----|-----|-----|-----|-----|------|
| York, PA MSA..... | 291 | 399 | 495 | 619 | 692 | York |
|-------------------|-----|-----|-----|-----|-----|------|

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 41

## PENNSYLVANIA continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |      |      |      |      |
|--------------------------|------|------|------|------|--------------------------|------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1 | BR 2 | BR 3 | BR 4 |
| Adams.....               | 256  | 351  | 467  | 604  | Armstrong.....           | 266  | 350  | 398  | 504  |
| Bedford.....             | 174  | 279  | 318  | 413  | Bradford.....            | 227  | 324  | 406  | 529  |
| Cameron.....             | 235  | 274  | 322  | 403  | Clarion.....             | 262  | 312  | 354  | 442  |
| Cleanfield.....          | 217  | 298  | 344  | 438  | Clinton.....             | 191  | 280  | 334  | 465  |
| Crawford.....            | 246  | 295  | 354  | 481  | Elk.....                 | 218  | 317  | 389  | 486  |
| Forest.....              | 199  | 259  | 338  | 423  | Franklin.....            | 226  | 328  | 404  | 555  |
| Fulton.....              | 222  | 304  | 358  | 447  | Greene.....              | 201  | 256  | 289  | 401  |
| Huntingdon.....          | 180  | 275  | 328  | 409  | Indiana.....             | 300  | 334  | 380  | 476  |
| Jefferson.....           | 188  | 290  | 331  | 427  | Junata.....              | 196  | 280  | 338  | 422  |
| Lawrence.....            | 207  | 315  | 378  | 500  | Mc Kean.....             | 240  | 334  | 367  | 460  |
| Mifflin.....             | 290  | 309  | 364  | 465  | Monroe.....              | 417  | 498  | 615  | 841  |
| Montour.....             | 309  | 318  | 417  | 581  | Northumberland.....      | 276  | 349  | 426  | 567  |
| Potter.....              | 210  | 264  | 339  | 423  | Schuylkill.....          | 227  | 326  | 413  | 516  |
| Snyder.....              | 315  | 331  | 400  | 517  | Sullivan.....            | 198  | 271  | 362  | 455  |
| Susquehanna.....         | 313  | 325  | 396  | 497  | Tioga.....               | 213  | 332  | 382  | 505  |
| Union.....               | 316  | 418  | 523  | 655  | Vanango.....             | 242  | 324  | 371  | 464  |
| Warren.....              | 240  | 302  | 368  | 461  | Wayne.....               | 263  | 406  | 478  | 608  |

## RHODE ISLAND

## METROPOLITAN FMR AREAS

## Components of FMR AREA within STATE

| O                                             | BR 1 | BR 2 | BR 3 | BR 4 | O                                                        | BR 1 | BR 2 | BR 3 | BR 4 |
|-----------------------------------------------|------|------|------|------|----------------------------------------------------------|------|------|------|------|
| New London-Norwich, CT-RI MSA.....            | 473  | 571  | 695  | 871  | Washington county towns of Hopkinton town, Westerly town | 995  |      |      |      |
| Providence-Fall River-Warwick, RI-MA MSA..... | 390  | 530  | 638  | 800  | Bristol county towns of Barrington town, Bristol town    | 985  |      |      |      |
|                                               |      |      |      |      | Warren town                                              |      |      |      |      |
|                                               |      |      |      |      | Kent county towns of Coventry town, East Greenwich tow   |      |      |      |      |
|                                               |      |      |      |      | Warwick city, West Greenwich tow, West Warwick town      |      |      |      |      |
|                                               |      |      |      |      | Newport county towns of Jamestown town                   |      |      |      |      |
|                                               |      |      |      |      | Little Compton tow, Tiverton town                        |      |      |      |      |
|                                               |      |      |      |      | providence county towns of Burrillville town             |      |      |      |      |
|                                               |      |      |      |      | Central Falls city, Cranston city, Cumberland town       |      |      |      |      |
|                                               |      |      |      |      | East Providence ci, Foster town, Gloucester town         |      |      |      |      |
|                                               |      |      |      |      | Johnston town, Lincoln town, North Providence t          |      |      |      |      |
|                                               |      |      |      |      | North Smithfield t, Pawtucket city, Providence city      |      |      |      |      |
|                                               |      |      |      |      | Scituate town, Smithfield town, Woonsocket city          |      |      |      |      |
|                                               |      |      |      |      | Washington county towns of Charlestown town, Exeter tow  |      |      |      |      |
|                                               |      |      |      |      | Narragansett town, North Kingstown to, Richmond town     |      |      |      |      |
|                                               |      |      |      |      | South Kingstown to                                       |      |      |      |      |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## R H O D E I S L A N D continued

## NONMETROPOLITAN COUNTIES

|                 | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Towns within non metropolitan counties         |
|-----------------|-----|------|------|------|------|----|------------------------------------------------|
| Newport.....    | 521 | 607  | 779  | 974  | 1090 |    | Middletown town, Newport city, Portsmouth town |
| Washington..... | 616 | 692  | 778  | 1004 | 1106 |    | New Shoreham town                              |

## S O U T H C A R O L I N A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                              |     |     |     |     |     |                                                      |
|----------------------------------------------|-----|-----|-----|-----|-----|------------------------------------------------------|
| Augusta-Aiken, GA-SC MSA.....                | 320 | 383 | 451 | 614 | 726 | Aiken, Edgefield                                     |
| Charleston-North Charleston, SC MSA.....     | 360 | 417 | 479 | 637 | 743 | Berkeley, Charleston, Dorchester                     |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA..... | 390 | 440 | 495 | 653 | 781 | York                                                 |
| Columbia, SC MSA.....                        | 386 | 425 | 489 | 646 | 743 | Lexington, Richland                                  |
| Florence, SC MSA.....                        | 292 | 325 | 422 | 528 | 591 | Florence                                             |
| Greenville-Spartanburg-Anderson, SC MSA..... | 318 | 384 | 435 | 547 | 643 | Anderson, Cherokee, Greenville, Pickens, Spartanburg |
| Myrtle Beach, SC MSA.....                    | 379 | 385 | 493 | 617 | 691 | Horry                                                |
| Sumter, SC MSA.....                          | 308 | 342 | 389 | 533 | 631 | Sumter                                               |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |                   |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|-------------------|-----|-----|-----|-----|-----|
| Abbeville.....  | 183 | 249 | 332 | 442 | 545 | Allendale.....    | 182 | 296 | 332 | 416 | 466 |
| Bamberg.....    | 183 | 249 | 332 | 415 | 465 | Barnwell.....     | 285 | 288 | 385 | 482 | 538 |
| Beaufort.....   | 386 | 474 | 546 | 681 | 763 | Calhoun.....      | 211 | 248 | 332 | 460 | 463 |
| Chester.....    | 183 | 248 | 333 | 416 | 473 | Chesterfield..... | 183 | 264 | 333 | 438 | 547 |
| Clarendon.....  | 204 | 312 | 371 | 464 | 520 | Colleton.....     | 188 | 303 | 341 | 426 | 477 |
| Darlington..... | 197 | 269 | 358 | 447 | 502 | Dillon.....       | 262 | 296 | 332 | 435 | 466 |
| Fairfield.....  | 226 | 363 | 413 | 515 | 577 | Georgetown.....   | 212 | 343 | 386 | 483 | 586 |
| Greenwood.....  | 271 | 275 | 366 | 459 | 513 | Hampton.....      | 183 | 295 | 333 | 426 | 486 |
| Jasper.....     | 246 | 249 | 334 | 418 | 549 | Kershaw.....      | 200 | 273 | 365 | 456 | 511 |
| Lancaster.....  | 284 | 316 | 361 | 472 | 542 | Laurens.....      | 191 | 288 | 346 | 472 | 486 |
| Lee.....        | 245 | 248 | 333 | 416 | 547 | McCormick.....    | 200 | 274 | 365 | 457 | 600 |
| Marion.....     | 246 | 249 | 332 | 462 | 546 | Marlboro.....     | 246 | 287 | 339 | 423 | 474 |
| Newberry.....   | 183 | 295 | 333 | 416 | 466 | Oconee.....       | 263 | 305 | 343 | 467 | 481 |
| Orangeburg..... | 217 | 289 | 333 | 416 | 519 | Saluda.....       | 183 | 250 | 332 | 417 | 473 |
| Union.....      | 182 | 291 | 332 | 438 | 464 | Williamsburg..... | 245 | 298 | 351 | 438 | 491 |

## S O U T H D A K O T A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                          |     |     |     |     |     |                    |
|--------------------------|-----|-----|-----|-----|-----|--------------------|
| Rapid City, SD MSA.....  | 290 | 345 | 460 | 626 | 756 | Pennington         |
| Stoux Falls, SD MSA..... | 281 | 388 | 492 | 623 | 715 | Lincoln, Minnehaha |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## S O U T H D A K O T A continued

| NONMETROPOLITAN COUNTIES |  |  |  |  |  |  | O   | BR 1 | BR 2 | BR 3 | BR 4 | NONMETROPOLITAN COUNTIES |  |  |  |  |  |  | O   | BR 1 | BR 2 | BR 3 | BR 4 |
|--------------------------|--|--|--|--|--|--|-----|------|------|------|------|--------------------------|--|--|--|--|--|--|-----|------|------|------|------|
| Aurora.....              |  |  |  |  |  |  | 189 | 306  | 346  | 480  | 519  | Beadle.....              |  |  |  |  |  |  | 223 | 293  | 350  | 480  | 575  |
| Bennett.....             |  |  |  |  |  |  | 206 | 298  | 350  | 487  | 529  | Bon Homme.....           |  |  |  |  |  |  | 255 | 259  | 346  | 482  | 568  |
| Brookings.....           |  |  |  |  |  |  | 246 | 389  | 431  | 582  | 687  | Brown.....               |  |  |  |  |  |  | 206 | 281  | 374  | 493  | 569  |
| Brule.....               |  |  |  |  |  |  | 188 | 285  | 346  | 462  | 567  | Buffalo.....             |  |  |  |  |  |  | 198 | 270  | 361  | 450  | 590  |
| Butte.....               |  |  |  |  |  |  | 263 | 360  | 479  | 625  | 738  | Campbell.....            |  |  |  |  |  |  | 188 | 256  | 346  | 445  | 527  |
| Charles Mix.....         |  |  |  |  |  |  | 200 | 301  | 346  | 432  | 483  | Clark.....               |  |  |  |  |  |  | 190 | 260  | 346  | 434  | 487  |
| Clay.....                |  |  |  |  |  |  | 209 | 285  | 381  | 480  | 626  | Codington.....           |  |  |  |  |  |  | 194 | 265  | 352  | 484  | 493  |
| Corson.....              |  |  |  |  |  |  | 191 | 259  | 346  | 445  | 484  | Custer.....              |  |  |  |  |  |  | 194 | 265  | 353  | 491  | 580  |
| Davison.....             |  |  |  |  |  |  | 240 | 286  | 381  | 511  | 553  | Day.....                 |  |  |  |  |  |  | 256 | 260  | 346  | 483  | 541  |
| Deuel.....               |  |  |  |  |  |  | 188 | 256  | 346  | 433  | 482  | Dewey.....               |  |  |  |  |  |  | 195 | 298  | 355  | 443  | 505  |
| Douglas.....             |  |  |  |  |  |  | 255 | 259  | 346  | 474  | 483  | Edmunds.....             |  |  |  |  |  |  | 193 | 263  | 350  | 487  | 489  |
| Fall River.....          |  |  |  |  |  |  | 260 | 263  | 350  | 441  | 575  | Faulk.....               |  |  |  |  |  |  | 219 | 301  | 402  | 503  | 563  |
| Grant.....               |  |  |  |  |  |  | 193 | 263  | 350  | 480  | 489  | Gregory.....             |  |  |  |  |  |  | 231 | 263  | 346  | 433  | 486  |
| Haakon.....              |  |  |  |  |  |  | 193 | 311  | 350  | 487  | 575  | Hamilin.....             |  |  |  |  |  |  | 190 | 259  | 346  | 432  | 489  |
| Hand.....                |  |  |  |  |  |  | 197 | 260  | 346  | 456  | 489  | Hanson.....              |  |  |  |  |  |  | 233 | 318  | 425  | 533  | 597  |
| Harding.....             |  |  |  |  |  |  | 193 | 311  | 350  | 438  | 489  | Hughes.....              |  |  |  |  |  |  | 253 | 301  | 402  | 530  | 626  |
| Hutchinson.....          |  |  |  |  |  |  | 197 | 280  | 346  | 439  | 567  | Hyde.....                |  |  |  |  |  |  | 190 | 309  | 346  | 458  | 559  |
| Jackson.....             |  |  |  |  |  |  | 189 | 308  | 346  | 450  | 502  | Jerould.....             |  |  |  |  |  |  | 189 | 306  | 346  | 477  | 565  |
| Jones.....               |  |  |  |  |  |  | 190 | 257  | 346  | 465  | 484  | Kingsbury.....           |  |  |  |  |  |  | 251 | 290  | 346  | 433  | 531  |
| Lake.....                |  |  |  |  |  |  | 228 | 308  | 346  | 482  | 533  | Lawrence.....            |  |  |  |  |  |  | 261 | 378  | 476  | 652  | 737  |
| Lyman.....               |  |  |  |  |  |  | 188 | 257  | 346  | 431  | 484  | Mccook.....              |  |  |  |  |  |  | 188 | 270  | 346  | 482  | 567  |
| Mcpherson.....           |  |  |  |  |  |  | 216 | 259  | 346  | 482  | 486  | Marshall.....            |  |  |  |  |  |  | 270 | 290  | 346  | 442  | 491  |
| Meade.....               |  |  |  |  |  |  | 322 | 363  | 484  | 634  | 749  | Melliette.....           |  |  |  |  |  |  | 273 | 308  | 346  | 455  | 484  |
| Miner.....               |  |  |  |  |  |  | 189 | 308  | 346  | 462  | 550  | Moody.....               |  |  |  |  |  |  | 212 | 287  | 346  | 461  | 569  |
| Perkins.....             |  |  |  |  |  |  | 191 | 260  | 346  | 482  | 569  | Potter.....              |  |  |  |  |  |  | 191 | 302  | 346  | 467  | 486  |
| Roberts.....             |  |  |  |  |  |  | 191 | 291  | 346  | 433  | 484  | Sanborn.....             |  |  |  |  |  |  | 193 | 280  | 350  | 438  | 489  |
| Shannon.....             |  |  |  |  |  |  | 191 | 308  | 346  | 482  | 485  | Spink.....               |  |  |  |  |  |  | 250 | 291  | 388  | 485  | 542  |
| Stanley.....             |  |  |  |  |  |  | 193 | 311  | 350  | 487  | 508  | Sully.....               |  |  |  |  |  |  | 190 | 293  | 346  | 447  | 486  |
| Todd.....                |  |  |  |  |  |  | 254 | 261  | 346  | 435  | 486  | Tripp.....               |  |  |  |  |  |  | 190 | 258  | 346  | 444  | 486  |
| Turner.....              |  |  |  |  |  |  | 190 | 278  | 346  | 454  | 486  | Union.....               |  |  |  |  |  |  | 241 | 257  | 346  | 433  | 483  |
| Walworth.....            |  |  |  |  |  |  | 227 | 311  | 350  | 484  | 575  | Yankton.....             |  |  |  |  |  |  | 193 | 301  | 350  | 477  | 575  |
| Ziebach.....             |  |  |  |  |  |  | 193 | 263  | 350  | 438  | 575  |                          |  |  |  |  |  |  |     |      |      |      |      |

## T E N E S S E E

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                   |  | O   | BR 1 | BR 2 | BR 3 | BR 4 | Counties of FMR AREA within STATE |  |
|------------------------------------------|--|-----|------|------|------|------|-----------------------------------|--|
| Chattanooga, TN-GA MSA.....              |  | 308 | 361  | 433  | 559  | 637  | Hamilton, Marion                  |  |
| Clarksville-Hopkinsville, TN-KY MSA..... |  | 303 | 340  | 398  | 543  | 558  | Montgomery                        |  |
| Jackson, TN MSA.....                     |  | 235 | 309  | 414  | 574  | 578  | Madison                           |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E N E S S E E continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Johnson City-Kingsport-Bristol, TN-VA MSA..... 240 278 354 460 523 Carter, Hawkins, Sullivan, Unicoi, Washington  
 Knoxville, TN MSA..... 272 336 420 561 674 Anderson, Blount, Knox, Loudon, Sevier, Union  
 Memphis, TN-AR-MS MSA..... 311 362 426 592 622 Fayette, Shelby, Tipton  
 Nashville, TN MSA..... 346 412 509 694 780 Cheatham, Davidson, Dickson, Robertson, Rutherford  
 Sumner, Williamson, Wilson

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Bedford..... 194 289 352 444 493 Benton..... 241 275 308 416 453  
 Bledsoe..... 158 217 289 363 407 Bradley..... 206 283 377 511 620  
 Campbell..... 226 229 291 405 408 Cannon..... 180 220 292 366 411  
 Carroll..... 168 272 306 383 429 Chester..... 162 246 294 368 476  
 Clatborne..... 170 250 289 403 476 Clay..... 228 250 289 363 476  
 Cocke..... 168 232 289 388 476 Coffee..... 193 312 351 488 556  
 Crockett..... 158 242 289 363 432 Cumberland..... 237 258 343 479 482  
 Decatur..... 204 220 292 366 481 Dekalb..... 175 239 319 400 481  
 Dyer..... 280 284 378 473 589 Fentress..... 211 227 302 397 401  
 Franklin..... 235 256 328 456 536 Gibson..... 174 255 317 397 445  
 Giles..... 194 286 353 442 494 Grainger..... 228 258 289 371 476  
 Greene..... 179 258 327 409 457 Grundy..... 156 252 284 395 436  
 Hamblen..... 203 263 345 460 485 Hancock..... 158 233 284 397 469  
 Hardeman..... 178 247 312 411 437 Hardin..... 158 258 289 389 423  
 Haywood..... 236 273 365 456 511 Henderson..... 164 233 298 374 419  
 Henry..... 176 234 295 411 479 Hickman..... 264 268 356 469 498  
 Houston..... 215 217 289 371 407 Humphreys..... 209 273 321 403 451  
 Jackson..... 158 217 289 363 407 Jefferson..... 244 255 340 424 541  
 Johnson..... 156 212 284 384 419 Lake..... 220 248 290 403 414  
 Lauderdale..... 183 249 334 421 467 Lawrence..... 216 219 292 365 410  
 Lewis..... 156 255 286 397 401 Lincoln..... 184 250 335 419 469  
 McMinn..... 201 245 316 438 441 McNairy..... 187 216 284 395 430  
 Macon..... 166 246 301 377 422 Marshall..... 263 288 375 473 525  
 Maury..... 321 328 436 547 610 Meigs..... 160 220 292 408 481  
 Monroe..... 158 217 289 389 407 Moore..... 223 226 302 421 424  
 Morgan..... 164 257 298 374 419 Obion..... 259 263 337 446 470  
 Overton..... 158 234 289 363 476 Perry..... 162 264 295 407 486  
 Pickett..... 156 253 284 355 398 Polk..... 178 243 325 408 456  
 Putnam..... 272 275 353 485 523 Rhea..... 174 280 317 441 447  
 Roane..... 241 245 328 445 536 Scott..... 158 217 289 363 407  
 Sequatchie..... 158 258 289 371 407 Smith..... 170 239 311 389 436  
 Stewart..... 215 253 289 379 476 Trousdale..... 201 275 366 459 601  
 Van Buren..... 156 212 284 390 397 Warren..... 249 252 339 423 474

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E N S E E continued

| NONMETROPOLITAN COUNTIES                      |  |  |  |  |  |  | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES |              |      |      |      |    |                                                          | O | BR 1 | BR 2 | BR 3 | BR 4 | BR  |  |  |  |  |  |
|-----------------------------------------------|--|--|--|--|--|--|-----|------|------|------|------|----|--------------------------|--------------|------|------|------|----|----------------------------------------------------------|---|------|------|------|------|-----|--|--|--|--|--|
| Wayne.....                                    |  |  |  |  |  |  | 157 | 257  | 288  | 377  | 404  |    |                          | Weakley..... |      |      |      |    |                                                          |   | 242  | 250  | 311  | 426  | 455 |  |  |  |  |  |
| White.....                                    |  |  |  |  |  |  | 228 | 261  | 292  | 392  | 476  |    |                          |              |      |      |      |    |                                                          |   |      |      |      |      |     |  |  |  |  |  |
| T E X A S                                     |  |  |  |  |  |  |     |      |      |      |      |    |                          |              |      |      |      |    |                                                          |   |      |      |      |      |     |  |  |  |  |  |
| METROPOLITAN FMR AREAS                        |  |  |  |  |  |  |     |      |      |      |      |    | O                        | BR 1         | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                        |   |      |      |      |      |     |  |  |  |  |  |
| Abilene, TX MSA.....                          |  |  |  |  |  |  |     |      |      |      |      |    | 268                      | 289          | 385  | 519  | 631  |    | Taylor                                                   |   |      |      |      |      |     |  |  |  |  |  |
| Amarillo, TX MSA.....                         |  |  |  |  |  |  |     |      |      |      |      |    | 255                      | 325          | 405  | 565  | 666  |    | Potter, Randall                                          |   |      |      |      |      |     |  |  |  |  |  |
| Austin-San Marcos, TX MSA.....                |  |  |  |  |  |  |     |      |      |      |      |    | 387                      | 467          | 623  | 865  | 1022 |    | Bastrop, Caldwell, Hays, Travis, Williamson              |   |      |      |      |      |     |  |  |  |  |  |
| Beaumont-Port Arthur, TX MSA.....             |  |  |  |  |  |  |     |      |      |      |      |    | 294                      | 355          | 433  | 573  | 608  |    | Hardin, Jefferson, Orange                                |   |      |      |      |      |     |  |  |  |  |  |
| Brazoria, TX PMSA.....                        |  |  |  |  |  |  |     |      |      |      |      |    | 409                      | 456          | 570  | 794  | 935  |    | Brazoria                                                 |   |      |      |      |      |     |  |  |  |  |  |
| Brownsville-Harlingen-San Benito, TX MSA..... |  |  |  |  |  |  |     |      |      |      |      |    | 309                      | 389          | 486  | 609  | 758  |    | Cameron                                                  |   |      |      |      |      |     |  |  |  |  |  |
| Bryan-College Station, TX MSA.....            |  |  |  |  |  |  |     |      |      |      |      |    | 344                      | 400          | 506  | 705  | 830  |    | Brazos                                                   |   |      |      |      |      |     |  |  |  |  |  |
| Corpus Christi, TX MSA.....                   |  |  |  |  |  |  |     |      |      |      |      |    | 321                      | 395          | 505  | 686  | 811  |    | Nueces, San Patricio                                     |   |      |      |      |      |     |  |  |  |  |  |
| Dallas, TX.....                               |  |  |  |  |  |  |     |      |      |      |      |    | 383                      | 440          | 565  | 782  | 924  |    | Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall   |   |      |      |      |      |     |  |  |  |  |  |
| El Paso, TX MSA.....                          |  |  |  |  |  |  |     |      |      |      |      |    | 363                      | 406          | 481  | 667  | 789  |    | El Paso                                                  |   |      |      |      |      |     |  |  |  |  |  |
| Fort Worth-Arlington, TX PMSA.....            |  |  |  |  |  |  |     |      |      |      |      |    | 366                      | 398          | 518  | 720  | 850  |    | Hood, Johnson, Parker, Tarrant                           |   |      |      |      |      |     |  |  |  |  |  |
| Galveston-Texas City, TX PMSA.....            |  |  |  |  |  |  |     |      |      |      |      |    | 402                      | 413          | 518  | 720  | 849  |    | Galveston                                                |   |      |      |      |      |     |  |  |  |  |  |
| Henderson County, TX.....                     |  |  |  |  |  |  |     |      |      |      |      |    | 267                      | 317          | 387  | 529  | 635  |    | Henderson                                                |   |      |      |      |      |     |  |  |  |  |  |
| Houston, TX PMSA.....                         |  |  |  |  |  |  |     |      |      |      |      |    | 380                      | 426          | 553  | 768  | 906  |    | Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller |   |      |      |      |      |     |  |  |  |  |  |
| Killeen-Temple, TX MSA.....                   |  |  |  |  |  |  |     |      |      |      |      |    | 362                      | 376          | 476  | 663  | 728  |    | Bell, Coryell                                            |   |      |      |      |      |     |  |  |  |  |  |
| Laredo, TX MSA.....                           |  |  |  |  |  |  |     |      |      |      |      |    | 293                      | 337          | 443  | 554  | 622  |    | Webb                                                     |   |      |      |      |      |     |  |  |  |  |  |
| Longview-Marshall, TX MSA.....                |  |  |  |  |  |  |     |      |      |      |      |    | 290                      | 327          | 402  | 547  | 598  |    | Gregg, Harrison, Upshur                                  |   |      |      |      |      |     |  |  |  |  |  |
| Lubbock, TX MSA.....                          |  |  |  |  |  |  |     |      |      |      |      |    | 277                      | 351          | 457  | 635  | 704  |    | Lubbock                                                  |   |      |      |      |      |     |  |  |  |  |  |
| Mc Allen-Edinburg-Mission, TX MSA.....        |  |  |  |  |  |  |     |      |      |      |      |    | 247                      | 352          | 403  | 504  | 565  |    | Hidalgo                                                  |   |      |      |      |      |     |  |  |  |  |  |
| Odessa-Midland, TX MSA.....                   |  |  |  |  |  |  |     |      |      |      |      |    | 277                      | 320          | 428  | 596  | 690  |    | Ector, Midland                                           |   |      |      |      |      |     |  |  |  |  |  |
| San Angelo, TX MSA.....                       |  |  |  |  |  |  |     |      |      |      |      |    | 228                      | 329          | 400  | 548  | 647  |    | Tom Green                                                |   |      |      |      |      |     |  |  |  |  |  |
| San Antonio, TX MSA.....                      |  |  |  |  |  |  |     |      |      |      |      |    | 339                      | 391          | 507  | 705  | 832  |    | Bexar, Comal, Guadalupe, Wilson                          |   |      |      |      |      |     |  |  |  |  |  |
| Sherman-Denison, TX MSA.....                  |  |  |  |  |  |  |     |      |      |      |      |    | 250                      | 352          | 425  | 543  | 650  |    | Grayson                                                  |   |      |      |      |      |     |  |  |  |  |  |
| Texarkana, TX-Texarkana, AR MSA.....          |  |  |  |  |  |  |     |      |      |      |      |    | 280                      | 343          | 418  | 552  | 585  |    | Bowie                                                    |   |      |      |      |      |     |  |  |  |  |  |
| Tyler, TX MSA.....                            |  |  |  |  |  |  |     |      |      |      |      |    | 322                      | 356          | 435  | 604  | 638  |    | Smith                                                    |   |      |      |      |      |     |  |  |  |  |  |
| Victoria, TX MSA.....                         |  |  |  |  |  |  |     |      |      |      |      |    | 318                      | 322          | 407  | 566  | 638  |    | Victoria                                                 |   |      |      |      |      |     |  |  |  |  |  |
| Waco, TX MSA.....                             |  |  |  |  |  |  |     |      |      |      |      |    | 280                      | 344          | 453  | 603  | 634  |    | McLennan                                                 |   |      |      |      |      |     |  |  |  |  |  |
| Wichita Falls, TX MSA.....                    |  |  |  |  |  |  |     |      |      |      |      |    | 309                      | 346          | 416  | 555  | 654  |    | Archer, Wichita                                          |   |      |      |      |      |     |  |  |  |  |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E X A S continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Anderson.....            | 307 | 346  | 389  | 540  | 546  |    | Andrews.....             | 219 | 292  | 327  | 455  | 536  |    |
| Angelina.....            | 280 | 324  | 365  | 507  | 598  |    | Aransas.....             | 230 | 315  | 420  | 584  | 588  |    |
| Armstrong.....           | 213 | 291  | 387  | 485  | 541  |    | Atascosa.....            | 174 | 240  | 318  | 444  | 524  |    |
| Austin.....              | 204 | 264  | 352  | 489  | 546  |    | Bailey.....              | 166 | 271  | 304  | 423  | 426  |    |
| Bandera.....             | 275 | 295  | 349  | 485  | 488  |    | Baylor.....              | 166 | 258  | 304  | 380  | 426  |    |
| Bee.....                 | 199 | 261  | 343  | 477  | 531  |    | Blanco.....              | 208 | 283  | 378  | 526  | 554  |    |
| Borden.....              | 166 | 271  | 304  | 423  | 426  |    | Bosque.....              | 194 | 284  | 352  | 464  | 528  |    |
| Brewster.....            | 249 | 264  | 352  | 482  | 577  |    | Briscoe.....             | 187 | 253  | 339  | 448  | 475  |    |
| Brooks.....              | 206 | 271  | 304  | 424  | 427  |    | Brown.....               | 240 | 292  | 358  | 480  | 587  |    |
| Burleson.....            | 206 | 289  | 375  | 507  | 617  |    | Burnet.....              | 200 | 273  | 364  | 506  | 592  |    |
| Calhoun.....             | 274 | 292  | 356  | 494  | 584  |    | Callahan.....            | 231 | 236  | 309  | 427  | 433  |    |
| Camp.....                | 346 | 351  | 438  | 549  | 613  |    | Carson.....              | 192 | 290  | 349  | 436  | 488  |    |
| Cass.....                | 223 | 283  | 318  | 422  | 497  |    | Castro.....              | 257 | 280  | 325  | 442  | 535  |    |
| Cherokee.....            | 286 | 296  | 363  | 475  | 508  |    | Childress.....           | 240 | 271  | 304  | 380  | 498  |    |
| Clay.....                | 187 | 301  | 339  | 472  | 557  |    | Cochran.....             | 237 | 270  | 304  | 424  | 501  |    |
| Coke.....                | 168 | 230  | 307  | 385  | 505  |    | Coleman.....             | 178 | 227  | 304  | 421  | 497  |    |
| Collingsworth.....       | 167 | 228  | 305  | 381  | 495  |    | Colorado.....            | 200 | 227  | 304  | 423  | 499  |    |
| Comanche.....            | 223 | 227  | 304  | 405  | 444  |    | Concho.....              | 170 | 233  | 313  | 435  | 438  |    |
| Cooke.....               | 278 | 282  | 376  | 510  | 565  |    | Cottle.....              | 167 | 229  | 304  | 423  | 500  |    |
| Crane.....               | 200 | 264  | 352  | 439  | 492  |    | Crockett.....            | 240 | 252  | 304  | 423  | 426  |    |
| Crosby.....              | 240 | 271  | 304  | 413  | 499  |    | Culberson.....           | 169 | 271  | 304  | 400  | 426  |    |
| Dallam.....              | 187 | 253  | 339  | 444  | 475  |    | Dawson.....              | 166 | 271  | 304  | 423  | 499  |    |
| Deaf Smith.....          | 225 | 276  | 338  | 468  | 555  |    | Delta.....               | 190 | 306  | 345  | 430  | 483  |    |
| Dewitt.....              | 232 | 243  | 307  | 385  | 430  |    | Dickens.....             | 182 | 229  | 304  | 402  | 500  |    |
| Dimmit.....              | 215 | 262  | 304  | 424  | 426  |    | Donley.....              | 180 | 248  | 331  | 461  | 463  |    |
| Duval.....               | 242 | 257  | 306  | 426  | 462  |    | Eastland.....            | 240 | 271  | 304  | 380  | 499  |    |
| Edwards.....             | 170 | 270  | 312  | 389  | 437  |    | Erath.....               | 265 | 300  | 389  | 503  | 546  |    |
| Falls.....               | 209 | 230  | 308  | 386  | 432  |    | Fannin.....              | 259 | 268  | 345  | 480  | 546  |    |
| Fayette.....             | 243 | 246  | 330  | 416  | 540  |    | Fisher.....              | 239 | 270  | 304  | 423  | 426  |    |
| Floyd.....               | 229 | 232  | 311  | 388  | 461  |    | Foard.....               | 167 | 259  | 304  | 379  | 426  |    |
| Franklin.....            | 196 | 266  | 356  | 494  | 497  |    | Freestone.....           | 204 | 240  | 318  | 444  | 477  |    |
| Frio.....                | 225 | 229  | 306  | 426  | 493  |    | Gaines.....              | 261 | 267  | 333  | 447  | 466  |    |
| Garza.....               | 166 | 253  | 304  | 381  | 426  |    | Gillespie.....           | 250 | 322  | 418  | 574  | 586  |    |
| Glasscock.....           | 166 | 271  | 304  | 380  | 426  |    | Goliad.....              | 173 | 264  | 316  | 407  | 521  |    |
| Gonzales.....            | 219 | 227  | 304  | 385  | 486  |    | Gray.....                | 281 | 286  | 380  | 477  | 564  |    |
| Grimes.....              | 195 | 265  | 353  | 482  | 568  |    | Hale.....                | 231 | 264  | 348  | 473  | 487  |    |
| Hall.....                | 167 | 226  | 304  | 422  | 498  |    | Hamilton.....            | 240 | 271  | 304  | 423  | 496  |    |
| Hansford.....            | 256 | 273  | 341  | 475  | 560  |    | Hardeman.....            | 166 | 227  | 304  | 423  | 499  |    |
| Hartley.....             | 168 | 230  | 307  | 428  | 430  |    | Haskell.....             | 166 | 260  | 304  | 422  | 425  |    |
| Hemphill.....            | 203 | 329  | 369  | 514  | 518  |    | Hill.....                | 233 | 258  | 344  | 458  | 482  |    |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E X A S continued

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |                    |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|--------------------------|--------------------|-----|-----|-----|-----|-----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3                  | BR  | 4   | BR  |     |     |
| Hockley.....             | 261 | 305 | 348 | 483 | 531                      | Hopkins.....       | 298 | 321 | 378 | 526 | 565 |
| Houston.....             | 176 | 258 | 322 | 449 | 452                      | Howard.....        | 273 | 277 | 346 | 482 | 486 |
| Hudspeth.....            | 308 | 348 | 389 | 488 | 640                      | Hutchinson.....    | 228 | 292 | 369 | 514 | 607 |
| Irion.....               | 204 | 293 | 330 | 414 | 462                      | Jack.....          | 167 | 227 | 304 | 425 | 501 |
| Jackson.....             | 243 | 296 | 334 | 445 | 526                      | Jasper.....        | 250 | 288 | 364 | 485 | 596 |
| Jeff Davis.....          | 193 | 288 | 351 | 438 | 490                      | Jim Hogg.....      | 166 | 227 | 304 | 411 | 499 |
| Jim Wells.....           | 185 | 273 | 337 | 467 | 553                      | Jones.....         | 167 | 228 | 305 | 385 | 428 |
| Karnes.....              | 198 | 252 | 304 | 423 | 498                      | Kendall.....       | 230 | 374 | 420 | 584 | 690 |
| Kenedy.....              | 166 | 271 | 304 | 380 | 426                      | Kent.....          | 167 | 270 | 304 | 423 | 479 |
| Kerr.....                | 243 | 331 | 414 | 576 | 679                      | Kimble.....        | 214 | 292 | 389 | 487 | 546 |
| King.....                | 184 | 250 | 334 | 418 | 467                      | Kinney.....        | 166 | 227 | 304 | 423 | 496 |
| Kieberg.....             | 311 | 322 | 393 | 549 | 646                      | Knox.....          | 166 | 249 | 304 | 406 | 426 |
| Lamar.....               | 251 | 318 | 374 | 522 | 617                      | Lamb.....          | 240 | 258 | 304 | 408 | 462 |
| Lampasas.....            | 192 | 275 | 349 | 485 | 572                      | La Salle.....      | 168 | 247 | 304 | 424 | 500 |
| Lavaca.....              | 166 | 228 | 304 | 417 | 460                      | Lee.....           | 290 | 325 | 366 | 511 | 573 |
| Leon.....                | 202 | 328 | 368 | 466 | 605                      | Limestone.....     | 243 | 290 | 324 | 452 | 455 |
| Lipscomb.....            | 174 | 239 | 317 | 441 | 445                      | Live Oak.....      | 166 | 271 | 304 | 423 | 496 |
| Llano.....               | 241 | 329 | 438 | 550 | 721                      | Loving.....        | 166 | 227 | 304 | 380 | 426 |
| Lynn.....                | 166 | 248 | 304 | 420 | 499                      | Mcculloch.....     | 263 | 267 | 354 | 443 | 497 |
| McMullen.....            | 166 | 271 | 304 | 380 | 426                      | Madison.....       | 188 | 304 | 342 | 476 | 562 |
| Marion.....              | 190 | 275 | 344 | 454 | 565                      | Martin.....        | 166 | 271 | 304 | 423 | 426 |
| Mason.....               | 166 | 227 | 304 | 379 | 498                      | Matagorda.....     | 295 | 323 | 400 | 556 | 560 |
| Maverick.....            | 239 | 256 | 341 | 426 | 478                      | Medina.....        | 232 | 276 | 324 | 436 | 532 |
| Menard.....              | 223 | 227 | 304 | 423 | 426                      | Millam.....        | 180 | 292 | 329 | 450 | 531 |
| Mills.....               | 170 | 276 | 310 | 388 | 480                      | Mitchell.....      | 166 | 271 | 304 | 423 | 499 |
| Montague.....            | 223 | 227 | 304 | 423 | 499                      | Moore.....         | 219 | 300 | 338 | 468 | 555 |
| Morris.....              | 180 | 292 | 328 | 410 | 458                      | Motley.....        | 166 | 271 | 304 | 413 | 499 |
| Nacogdoches.....         | 270 | 325 | 423 | 528 | 623                      | Navarro.....       | 306 | 322 | 388 | 492 | 542 |
| Newton.....              | 175 | 241 | 320 | 413 | 527                      | Nolan.....         | 263 | 267 | 355 | 451 | 529 |
| Ochiltree.....           | 169 | 275 | 309 | 430 | 508                      | Oldham.....        | 213 | 291 | 387 | 485 | 566 |
| Palo Pinto.....          | 193 | 268 | 350 | 464 | 567                      | Panola.....        | 229 | 301 | 339 | 457 | 512 |
| Parmer.....              | 179 | 264 | 329 | 431 | 461                      | Pecos.....         | 197 | 261 | 346 | 482 | 568 |
| Polk.....                | 286 | 312 | 363 | 489 | 594                      | Presidio.....      | 239 | 271 | 304 | 382 | 425 |
| Rains.....               | 219 | 331 | 400 | 556 | 560                      | Reagan.....        | 325 | 331 | 440 | 553 | 724 |
| Real.....                | 167 | 248 | 304 | 422 | 425                      | Red River.....     | 203 | 329 | 369 | 461 | 517 |
| Reeves.....              | 166 | 271 | 304 | 411 | 426                      | Refugio.....       | 236 | 267 | 314 | 417 | 515 |
| Roberts.....             | 184 | 298 | 334 | 418 | 467                      | Robertson.....     | 227 | 338 | 379 | 474 | 530 |
| Runnels.....             | 240 | 248 | 304 | 423 | 484                      | Rusk.....          | 267 | 269 | 338 | 468 | 513 |
| Sabine.....              | 225 | 228 | 305 | 381 | 494                      | San Augustine..... | 177 | 243 | 324 | 407 | 455 |
| San Jacinto.....         | 268 | 302 | 341 | 462 | 558                      | San Saba.....      | 167 | 258 | 304 | 424 | 502 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 48

## T E X A S continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Schleicher.....          | 166 | 269  | 304  | 423  | 426  |    | Scurry.....              | 204 | 278  | 370  | 516  | 609  |    |
| Shackelford.....         | 166 | 227  | 304  | 423  | 499  |    | Shelby.....              | 241 | 271  | 304  | 379  | 425  |    |
| Sherman.....             | 242 | 273  | 306  | 426  | 429  |    | Somervell.....           | 292 | 329  | 369  | 507  | 518  |    |
| Starr.....               | 231 | 272  | 304  | 380  | 426  |    | Stephens.....            | 173 | 246  | 316  | 440  | 521  |    |
| Sterling.....            | 169 | 231  | 309  | 406  | 433  |    | Stonewall.....           | 166 | 230  | 304  | 423  | 499  |    |
| Sutton.....              | 168 | 274  | 307  | 428  | 430  |    | Swisher.....             | 166 | 271  | 304  | 423  | 499  |    |
| Terrell.....             | 166 | 271  | 304  | 400  | 499  |    | Terry.....               | 174 | 282  | 317  | 441  | 485  |    |
| Throckmorton.....        | 227 | 270  | 304  | 423  | 425  |    | Titus.....               | 272 | 337  | 383  | 529  | 536  |    |
| Trinity.....             | 266 | 300  | 337  | 467  | 541  |    | Tyler.....               | 209 | 286  | 381  | 478  | 627  |    |
| Upton.....               | 223 | 227  | 304  | 380  | 499  |    | Uvalde.....              | 177 | 274  | 308  | 429  | 432  |    |
| Val Verde.....           | 243 | 339  | 399  | 499  | 589  |    | Van Zandt.....           | 274 | 278  | 370  | 505  | 609  |    |
| Walker.....              | 345 | 367  | 449  | 597  | 629  |    | Ward.....                | 240 | 271  | 304  | 423  | 499  |    |
| Washington.....          | 318 | 324  | 432  | 540  | 710  |    | Wharton.....             | 243 | 292  | 353  | 477  | 493  |    |
| Wheeler.....             | 240 | 271  | 304  | 423  | 435  |    | Wilbarger.....           | 253 | 257  | 343  | 477  | 563  |    |
| Willacy.....             | 167 | 249  | 304  | 423  | 429  |    | Winkler.....             | 223 | 227  | 304  | 395  | 498  |    |
| Wise.....                | 197 | 298  | 359  | 500  | 521  |    | Wood.....                | 237 | 277  | 369  | 514  | 607  |    |
| Yoakum.....              | 227 | 336  | 414  | 517  | 679  |    | Young.....               | 249 | 252  | 337  | 467  | 553  |    |
| Zapata.....              | 166 | 252  | 304  | 380  | 499  |    | Zavala.....              | 220 | 240  | 315  | 371  | 457  |    |

## U T A H

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Provo-Orem, UT MSA..... 352 372 460 639 754 Utah  
 Salt Lake City-Ogden, UT MSA..... 306 355 450 626 734 Davis, Salt Lake, Weber

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Beaver.....              | 180 | 246  | 331  | 414  | 542  |    | Box Elder.....           | 297 | 324  | 388  | 539  | 605  |    |
| Cache.....               | 261 | 293  | 371  | 515  | 596  |    | Carbon.....              | 288 | 294  | 364  | 507  | 597  |    |
| Daggett.....             | 292 | 399  | 531  | 665  | 746  |    | Duchesne.....            | 181 | 278  | 330  | 457  | 541  |    |
| Emery.....               | 257 | 294  | 331  | 446  | 528  |    | Garfield.....            | 240 | 262  | 349  | 437  | 490  |    |
| Grand.....               | 212 | 290  | 355  | 443  | 574  |    | Iron.....                | 268 | 365  | 455  | 569  | 669  |    |
| Juab.....                | 245 | 248  | 330  | 460  | 544  |    | Kane.....                | 211 | 287  | 384  | 481  | 538  |    |
| Millard.....             | 244 | 247  | 330  | 413  | 542  |    | Morgan.....              | 210 | 286  | 381  | 530  | 626  |    |
| Plute.....               | 181 | 294  | 330  | 413  | 541  |    | Rich.....                | 180 | 246  | 331  | 424  | 461  |    |
| San Juan.....            | 262 | 294  | 331  | 414  | 542  |    | Sanpete.....             | 180 | 287  | 331  | 432  | 498  |    |
| Sevier.....              | 272 | 275  | 353  | 441  | 493  |    | Summit.....              | 397 | 490  | 612  | 825  | 1004 |    |
| Tooele.....              | 243 | 342  | 388  | 504  | 626  |    | Uintah.....              | 213 | 299  | 389  | 539  | 638  |    |
| Wasatch.....             | 211 | 342  | 384  | 534  | 631  |    | Washington.....          | 331 | 407  | 541  | 722  | 885  |    |
| Wayne.....               | 205 | 281  | 374  | 468  | 524  |    |                          |     |      |      |      |      |    |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 49

## V E R M O N T

## METROPOLITAN FMR AREAS

|                         | O BR | 1 BR | 2 BR | 3 BR | 4 BR | Components of FMR AREA within STATE                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|------|------|------|------|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Burlington, VT MSA..... | 387  | 475  | 633  | 863  | 1040 | Chittenden county towns of Burlington city<br>Charlotte town, Colchester town, Essex town<br>Hinesburg town, Jericho town, Milton town, Richmond town<br>St. George town, Shelburne town, South Burlington c<br>Williston town, Winoski city<br>Franklin county towns of Fairfax town, Georgia town<br>St. Albans city, St. Albans town, Swanton town<br>Grand Isle county towns of Grand Isle town<br>South Hero town |

## NONMETROPOLITAN COUNTIES

|                 | O BR | 1 BR | 2 BR | 3 BR | 4 BR | Towns within non metropolitan counties                                                                                                                           |
|-----------------|------|------|------|------|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addison.....    | 365  | 443  | 515  | 717  | 804  |                                                                                                                                                                  |
| Bennington..... | 341  | 428  | 551  | 701  | 816  |                                                                                                                                                                  |
| Caledonia.....  | 309  | 368  | 413  | 528  | 580  | Bolton town, Buels gore, Huntington town, Underhill town<br>Westford town                                                                                        |
| Chittenden..... | 316  | 512  | 576  | 800  | 943  |                                                                                                                                                                  |
| Essex.....      | 301  | 344  | 409  | 512  | 574  | Bakersfield town, Berkshire town, Enosburg town<br>Fairfield town, Fletcher town, Franklin town<br>Highgate town, Montgomery town, Richford town<br>Sheldon town |
| Franklin.....   | 325  | 366  | 411  | 573  | 658  | Albany town, Isle La Motte town, North Hero town                                                                                                                 |
| Grand Isle..... | 232  | 349  | 422  | 527  | 603  |                                                                                                                                                                  |
| Lamoille.....   | 302  | 419  | 500  | 687  | 787  |                                                                                                                                                                  |
| Orange.....     | 267  | 397  | 488  | 645  | 723  |                                                                                                                                                                  |
| Orleans.....    | 205  | 298  | 372  | 465  | 603  |                                                                                                                                                                  |
| Rutland.....    | 340  | 443  | 540  | 677  | 757  |                                                                                                                                                                  |
| Washington..... | 325  | 406  | 544  | 680  | 762  |                                                                                                                                                                  |
| Windham.....    | 364  | 423  | 561  | 712  | 784  |                                                                                                                                                                  |
| Windsor.....    | 391  | 442  | 552  | 708  | 841  |                                                                                                                                                                  |

## V I R G I N I A

## METROPOLITAN FMR AREAS

|                                                  | O BR | 1 BR | 2 BR | 3 BR | 4 BR | Counties of FMR AREA within STATE                                                                                                                        |
|--------------------------------------------------|------|------|------|------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Charlottesville, VA MSA.....                     | 375  | 443  | 567  | 754  | 846  | Albemarle, Fluvanna, Greene, Charlottesville city                                                                                                        |
| Clarke County, VA.....                           | 285  | 400  | 519  | 712  | 727  | Clarke                                                                                                                                                   |
| Culpeper County, VA.....                         | 350  | 511  | 595  | 785  | 940  | Culpeper                                                                                                                                                 |
| Danville, VA MSA.....                            | 253  | 308  | 357  | 446  | 501  | Pittsylvania, Danville city                                                                                                                              |
| Johnson City-Kingsport-Bristol, TN-VA MSA.....   | 240  | 278  | 354  | 460  | 523  | Scott, Washington, Bristol city                                                                                                                          |
| King George County, VA.....                      | 345  | 457  | 514  | 715  | 720  | King George                                                                                                                                              |
| Lynchburg, VA MSA.....                           | 316  | 347  | 400  | 510  | 592  | Amherst, Bedford, Campbell, Bedford city, Lynchburg city                                                                                                 |
| Nonfolk-Virginia Beach-Newport News, VA-NC MSA.. | 395  | 443  | 526  | 733  | 860  | Gloucester, Isle of Wight, James City, Mathews, York<br>Chesapeake city, Hampton city, Newport News city<br>Norfolk city, Poquoson city, Portsmouth city |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

PAGE 50

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                  |     |     |     |      |      |                                                           |
|----------------------------------|-----|-----|-----|------|------|-----------------------------------------------------------|
| Richmond-Petersburg, VA MSA..... | 397 | 449 | 522 | 726  | 857  | Suffolk city, Virginia Beach city, Williamsburg city      |
| Roanoke, VA MSA.....             | 268 | 329 | 433 | 556  | 693  | Charles City, Chesterfield, Dinwiddie, Goochland, Hanover |
| Warren County, VA.....           | 278 | 380 | 507 | 665  | 831  | Henrico, New Kent, Powhatan, Prince George                |
| Washington, DC-MD-VA.....        | 625 | 710 | 834 | 1135 | 1368 | Colonial Heights city, Hopewell city, Petersburg city     |
|                                  |     |     |     |      |      | Richmond city                                             |
|                                  |     |     |     |      |      | Botetourt, Roanoke, Roanoke city, Salem city              |
|                                  |     |     |     |      |      | Warren                                                    |
|                                  |     |     |     |      |      | Arlington, Fairfax, Loudoun, Prince William, Spotsylvania |
|                                  |     |     |     |      |      | Stafford, Alexandria city, Fairfax city                   |
|                                  |     |     |     |      |      | Falls Church city, Fauquier, Fredericksburg city          |
|                                  |     |     |     |      |      | Manassas city, Manassas Park city                         |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                     |     |     |     |     |     |                    |     |     |     |     |     |
|---------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|
| Accomack.....       | 315 | 339 | 398 | 498 | 558 | Allegany.....      | 276 | 311 | 350 | 476 | 491 |
| Amelia.....         | 177 | 289 | 324 | 452 | 509 | Appomattox.....    | 255 | 258 | 326 | 428 | 457 |
| Augusta.....        | 237 | 343 | 416 | 549 | 668 | Bath.....          | 204 | 330 | 371 | 480 | 521 |
| Bland.....          | 170 | 276 | 310 | 388 | 434 | Brunswick.....     | 204 | 276 | 311 | 433 | 437 |
| Buchanan.....       | 198 | 276 | 310 | 391 | 435 | Buckingham.....    | 253 | 279 | 320 | 401 | 450 |
| Caroline.....       | 375 | 380 | 508 | 675 | 711 | Carroll.....       | 233 | 258 | 311 | 408 | 437 |
| Charlotte.....      | 245 | 276 | 310 | 430 | 510 | Craig.....         | 170 | 233 | 310 | 432 | 509 |
| Cumberland.....     | 232 | 363 | 421 | 527 | 591 | Dickenson.....     | 170 | 276 | 310 | 432 | 509 |
| Essex.....          | 242 | 373 | 441 | 612 | 723 | Floyd.....         | 227 | 231 | 310 | 430 | 481 |
| Franklin.....       | 257 | 269 | 325 | 407 | 456 | Frederick.....     | 359 | 414 | 499 | 684 | 819 |
| Giles.....          | 210 | 252 | 328 | 411 | 461 | Grayson.....       | 169 | 276 | 310 | 404 | 507 |
| Greensville.....    | 211 | 343 | 385 | 502 | 632 | Halifax.....       | 183 | 267 | 310 | 421 | 435 |
| Henry.....          | 255 | 304 | 372 | 465 | 554 | Highland.....      | 170 | 276 | 310 | 410 | 435 |
| King and Queen..... | 235 | 380 | 428 | 535 | 616 | King William.....  | 223 | 363 | 408 | 510 | 629 |
| Lancaster.....      | 331 | 372 | 419 | 559 | 681 | Lee.....           | 233 | 235 | 310 | 389 | 509 |
| Louisa.....         | 234 | 345 | 425 | 591 | 597 | Lunenburg.....     | 170 | 276 | 310 | 388 | 477 |
| Madison.....        | 267 | 396 | 445 | 557 | 730 | Mecklenburg.....   | 206 | 263 | 345 | 432 | 514 |
| Middlesex.....      | 259 | 336 | 376 | 523 | 527 | Montgomery.....    | 273 | 358 | 420 | 585 | 691 |
| Nelson.....         | 204 | 330 | 371 | 465 | 612 | Northampton.....   | 191 | 261 | 347 | 445 | 487 |
| Northumberland..... | 189 | 306 | 344 | 478 | 482 | Nottoway.....      | 265 | 268 | 348 | 436 | 488 |
| Orange.....         | 294 | 401 | 535 | 744 | 873 | Page.....          | 308 | 347 | 391 | 489 | 562 |
| Patrick.....        | 242 | 244 | 310 | 389 | 434 | Prince Edward..... | 297 | 336 | 376 | 523 | 527 |
| Pulaski.....        | 192 | 275 | 348 | 470 | 488 | Rappahannock.....  | 269 | 436 | 489 | 680 | 802 |
| Richmond.....       | 217 | 353 | 397 | 505 | 652 | Rockbridge.....    | 206 | 298 | 377 | 525 | 528 |
| Rockingham.....     | 255 | 367 | 465 | 637 | 746 | Russell.....       | 172 | 236 | 316 | 440 | 517 |
| Shenandoah.....     | 349 | 358 | 442 | 611 | 694 | Smyth.....         | 243 | 245 | 310 | 430 | 506 |
| Southampton.....    | 183 | 296 | 367 | 474 | 533 | Surry.....         | 275 | 310 | 348 | 436 | 488 |
| Sussex.....         | 192 | 279 | 349 | 438 | 573 | Tazewell.....      | 246 | 277 | 313 | 435 | 513 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## V I R G I N I A continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Westmoreland.....        | 263 | 358  | 477  | 598  | 775  |    | Wise.....                | 245 | 275  | 367  | 461  | 588  |    |
| Wythe.....               | 277 | 289  | 351  | 441  | 493  |    |                          |     |      |      |      |      |    |

## W A S H I N G T O N

## METROPOLITAN FMR AREAS

|                                        | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|----------------------------------------|-----|------|------|------|------|----|-----------------------------------|
| Bellingham, WA MSA.....                | 360 | 467  | 622  | 859  | 1020 |    | Whatcom                           |
| Bremerton, WA PMSA.....                | 373 | 429  | 557  | 752  | 914  |    | Kitsap                            |
| Olympia, WA PMSA.....                  | 383 | 470  | 587  | 809  | 953  |    | Thurston                          |
| Portland-Vancouver, OR-WA PMSA.....    | 370 | 455  | 561  | 781  | 848  |    | Clark                             |
| Richland-Kennewick-Pasco, WA MSA.....  | 449 | 515  | 616  | 858  | 1007 |    | Benton, Franklin                  |
| Seattle-Bellevue-Everett, WA PMSA..... | 429 | 522  | 661  | 919  | 1085 |    | Island, King, Snohomish           |
| Spokane, WA MSA.....                   | 303 | 417  | 504  | 685  | 766  |    | Spokane                           |
| Tacoma, WA PMSA.....                   | 347 | 413  | 550  | 766  | 864  |    | Pierce                            |
| Yakima, WA MSA.....                    | 326 | 400  | 495  | 664  | 694  |    | Yakima                            |

## NONMETROPOLITAN COUNTIES

|                   |     |     |     |     |      |                   |     |     |     |     |     |
|-------------------|-----|-----|-----|-----|------|-------------------|-----|-----|-----|-----|-----|
| Adams.....        | 252 | 271 | 335 | 436 | 486  | Asotin.....       | 212 | 272 | 359 | 491 | 568 |
| Chelan.....       | 225 | 315 | 408 | 532 | 572  | Citallam.....     | 338 | 418 | 532 | 684 | 748 |
| Columbia.....     | 175 | 285 | 321 | 445 | 448  | Cowlitz.....      | 326 | 364 | 469 | 651 | 659 |
| Douglas.....      | 339 | 358 | 436 | 558 | 643  | Ferry.....        | 215 | 332 | 391 | 488 | 546 |
| Garfield.....     | 175 | 240 | 321 | 400 | 448  | Grant.....        | 311 | 345 | 403 | 548 | 660 |
| Grays Harbor..... | 296 | 342 | 455 | 615 | 709  | Jefferson.....    | 253 | 375 | 460 | 625 | 644 |
| Kittitas.....     | 207 | 282 | 374 | 514 | 609  | Klickitat.....    | 236 | 297 | 383 | 478 | 535 |
| Lewis.....        | 259 | 307 | 404 | 532 | 589  | Lincoln.....      | 182 | 240 | 321 | 430 | 510 |
| Mason.....        | 330 | 409 | 502 | 660 | 709  | Okanogan.....     | 245 | 336 | 414 | 548 | 580 |
| Pacific.....      | 231 | 284 | 379 | 507 | 529  | Pend Oreille..... | 242 | 338 | 439 | 579 | 794 |
| San Juan.....     | 358 | 489 | 652 | 859 | 1023 | Skagit.....       | 395 | 484 | 569 | 711 | 796 |
| Skamania.....     | 265 | 314 | 353 | 466 | 551  | Stevens.....      | 230 | 317 | 421 | 549 | 592 |
| Wahkiakum.....    | 209 | 291 | 354 | 443 | 538  | Walla Walla.....  | 269 | 326 | 434 | 604 | 714 |
| Whitman.....      | 312 | 355 | 474 | 658 | 778  |                   |     |     |     |     |     |

## W E S T V I R G I N I A

## METROPOLITAN FMR AREAS

|                                       | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|---------------------------------------|-----|------|------|------|------|----|-----------------------------------|
| Berkeley County, WV.....              | 342 | 364  | 434  | 542  | 607  |    | Berkeley                          |
| Charleston, WV MSA.....               | 221 | 318  | 402  | 553  | 605  |    | Kanawha, Putnam                   |
| Cumberland, MD-WV MSA.....            | 222 | 280  | 365  | 482  | 528  |    | Mineral                           |
| Huntington-Ashland, WV-KY-OH MSA..... | 253 | 297  | 366  | 466  | 513  |    | Cabell, Wayne                     |
| Jefferson County, WV.....             | 346 | 382  | 473  | 614  | 696  |    | Jefferson                         |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## WEST VIRGINIA continued

| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |
| METROPOLITAN FMR AREAS |  |  |  |  |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |  |

## WISCONSIN

| METROPOLITAN FMR AREAS               |     |     |     |     |     |                               |    |   |    | Counties of FMR AREA within STATE |  |  |  |  |
|--------------------------------------|-----|-----|-----|-----|-----|-------------------------------|----|---|----|-----------------------------------|--|--|--|--|
| O                                    | BR  | 1   | BR  | 2   | BR  | 3                             | BR | 4 | BR |                                   |  |  |  |  |
| Appleton-Oshkosh-Neenah, WI MSA..... | 290 | 358 | 454 | 573 | 660 | Calumet, Outagamie, Winnebago |    |   |    |                                   |  |  |  |  |
| Duluth-Superior, MN-WI MSA.....      | 244 | 328 | 421 | 561 | 654 | Douglas                       |    |   |    |                                   |  |  |  |  |
| Eau Claire, WI MSA.....              | 313 | 340 | 447 | 574 | 647 | Chippewa, Eau Claire          |    |   |    |                                   |  |  |  |  |
| Green Bay, WI MSA.....               | 318 | 350 | 449 | 624 | 628 | Brown                         |    |   |    |                                   |  |  |  |  |
| Janesville-Beloit, WI MSA.....       | 320 | 403 | 500 | 626 | 701 | Rock                          |    |   |    |                                   |  |  |  |  |
| Kenosha, WI MSA.....                 | 332 | 412 | 507 | 696 | 782 | Kenosha                       |    |   |    |                                   |  |  |  |  |
| La Crosse, WI-MN MSA.....            | 241 | 332 | 423 | 565 | 685 | La Crosse                     |    |   |    |                                   |  |  |  |  |
| Madison, WI MSA.....                 | 397 | 500 | 603 | 838 | 989 | Dane                          |    |   |    |                                   |  |  |  |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## W I S C O N S I N continued

| METROPOLITAN FMR AREAS               |     |      |      |      | Counties of FMR AREA within STATE |                                          |     |     |     |
|--------------------------------------|-----|------|------|------|-----------------------------------|------------------------------------------|-----|-----|-----|
|                                      | O   | BR 1 | BR 2 | BR 3 | BR 4                              | BR                                       | BR  | BR  | BR  |
| Milwaukee-Waukesha, WI PMSA.....     | 334 | 437  | 549  | 687  | 767                               | Milwaukee, Ozaukee, Washington, Waukesha |     |     |     |
| Minneapolis-St. Paul, MN-WI MSA..... | 364 | 467  | 596  | 808  | 914                               | Pierce, St. Croix                        |     |     |     |
| Racine, WI PMSA.....                 | 297 | 368  | 486  | 627  | 686                               | Racine                                   |     |     |     |
| Sheboygan, WI MSA.....               | 278 | 357  | 436  | 545  | 675                               | Sheboygan                                |     |     |     |
| Wausau, WI MSA.....                  | 339 | 352  | 440  | 599  | 665                               | Marathon                                 |     |     |     |
| NONMETROPOLITAN COUNTIES             |     |      |      |      | NONMETROPOLITAN COUNTIES          |                                          |     |     |     |
|                                      | O   | BR 1 | BR 2 | BR 3 | BR 4                              | BR                                       | BR  | BR  | BR  |
| Adams.....                           | 186 | 280  | 337  | 468  | 547                               | Ashland.....                             | 281 | 310 | 365 |
| Barron.....                          | 198 | 270  | 360  | 457  | 515                               | Bayfield.....                            | 180 | 261 | 330 |
| Buffalo.....                         | 202 | 253  | 338  | 424  | 475                               | Burnett.....                             | 248 | 295 | 356 |
| Clark.....                           | 164 | 235  | 298  | 403  | 460                               | Columbia.....                            | 240 | 305 | 402 |
| Crawford.....                        | 203 | 251  | 323  | 408  | 453                               | Dodge.....                               | 325 | 330 | 434 |
| Door.....                            | 229 | 318  | 396  | 508  | 617                               | Dunn.....                                | 257 | 296 | 393 |
| Florence.....                        | 235 | 257  | 342  | 476  | 479                               | Fond du Lac.....                         | 260 | 352 | 418 |
| Forest.....                          | 171 | 236  | 312  | 391  | 438                               | Grant.....                               | 261 | 263 | 343 |
| Green.....                           | 262 | 295  | 369  | 514  | 517                               | Green Lake.....                          | 222 | 285 | 353 |
| Iowa.....                            | 267 | 282  | 371  | 502  | 521                               | Iron.....                                | 166 | 232 | 298 |
| Jackson.....                         | 202 | 252  | 317  | 412  | 444                               | Jefferson.....                           | 257 | 341 | 443 |
| Juneau.....                          | 263 | 273  | 334  | 444  | 467                               | Kewaunee.....                            | 174 | 237 | 318 |
| Lafayette.....                       | 262 | 265  | 355  | 447  | 496                               | Langlade.....                            | 243 | 247 | 330 |
| Lincoln.....                         | 237 | 253  | 339  | 472  | 540                               | Manitowoc.....                           | 260 | 282 | 329 |
| Marquette.....                       | 202 | 252  | 337  | 452  | 472                               | Marquette.....                           | 180 | 275 | 329 |
| Menominee.....                       | 225 | 228  | 304  | 380  | 426                               | Monroe.....                              | 257 | 294 | 371 |
| Oconto.....                          | 171 | 257  | 312  | 423  | 468                               | Oneida.....                              | 210 | 301 | 381 |
| Pepin.....                           | 169 | 232  | 310  | 426  | 508                               | Polk.....                                | 236 | 293 | 389 |
| Portage.....                         | 312 | 330  | 428  | 535  | 663                               | Price.....                               | 184 | 262 | 333 |
| Richland.....                        | 241 | 275  | 332  | 448  | 464                               | Rusk.....                                | 174 | 239 | 317 |
| Sauk.....                            | 301 | 310  | 415  | 517  | 580                               | Sawyer.....                              | 253 | 285 | 344 |
| Shawano.....                         | 262 | 270  | 360  | 451  | 504                               | Taylor.....                              | 229 | 268 | 328 |
| Trempealeau.....                     | 207 | 256  | 328  | 413  | 511                               | Vernon.....                              | 190 | 235 | 306 |
| Vilas.....                           | 239 | 287  | 363  | 456  | 525                               | Walworth.....                            | 269 | 377 | 491 |
| Washburn.....                        | 253 | 258  | 344  | 436  | 482                               | Waupaca.....                             | 205 | 281 | 374 |
| Waushara.....                        | 205 | 286  | 337  | 425  | 472                               | Wood.....                                | 280 | 319 | 397 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## W Y O M I N G

## METROPOLITAN FMR AREAS

|                       | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR  | Counties of FMR AREA within STATE |
|-----------------------|-----|------|------|------|------|-----|-----------------------------------|
| Casper, WY MSA.....   | 219 | 305  | 384  | 535  | 632  | 773 | Natrona                           |
| Cheyenne, WY MSA..... | 298 | 373  | 498  | 637  | 773  |     | Laramie                           |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Albany.....              | 278  | 348  | 464  | 646  | 762 | Big Horn.....            | 179  | 245  | 328  | 453  | 459 |
| Campbell.....            | 286  | 291  | 373  | 519  | 612 | Carbon.....              | 213  | 250  | 334  | 462  | 549 |
| Converse.....            | 180  | 272  | 328  | 457  | 538 | Crook.....               | 263  | 296  | 334  | 418  | 478 |
| Fremont.....             | 187  | 253  | 339  | 451  | 551 | Goshen.....              | 228  | 280  | 334  | 462  | 549 |
| Hot Springs.....         | 233  | 266  | 355  | 493  | 583 | Johnson.....             | 246  | 250  | 334  | 462  | 511 |
| Lincoln.....             | 233  | 294  | 372  | 510  | 521 | Niobrara.....            | 182  | 248  | 332  | 415  | 534 |
| Park.....                | 201  | 274  | 366  | 510  | 600 | Platte.....              | 183  | 252  | 334  | 418  | 467 |
| Sheridan.....            | 241  | 274  | 366  | 491  | 600 | Sublette.....            | 294  | 331  | 372  | 480  | 521 |
| Sweetwater.....          | 275  | 280  | 373  | 519  | 612 | Teton.....               | 353  | 449  | 597  | 802  | 874 |
| Uinta.....               | 277  | 285  | 380  | 518  | 625 | Washakie.....            | 196  | 267  | 356  | 446  | 585 |

## P A C I F I C I S L A N D S

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                      |     |     |     |      |      |  |  |  |  |  |  |  |  |
|----------------------|-----|-----|-----|------|------|--|--|--|--|--|--|--|--|
| Pacific Islands..... | 637 | 766 | 907 | 1136 | 1278 |  |  |  |  |  |  |  |  |
|----------------------|-----|-----|-----|------|------|--|--|--|--|--|--|--|--|

## P U E R T O R I C O

## METROPOLITAN FMR AREAS

|                                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                        |
|--------------------------------|-----|------|------|------|------|----|----------------------------------------------------------|
| Aguadilla, PR MSA.....         | 218 | 266  | 315  | 392  | 441  |    | Aguada Municipio, Aguadilla Municipio, Moca Municipio    |
| Arecibo, PR MSA.....           | 320 | 387  | 455  | 572  | 640  |    | Arecibo Municipio, Camuy Municipio, Hatillo Municipio    |
| Caguas, PR MSA.....            | 266 | 320  | 378  | 475  | 528  |    | Caguas Municipio, Cayey Municipio, Cidra Municipio       |
| Mayaguez, PR MSA.....          | 218 | 266  | 315  | 392  | 441  |    | Gurabo Municipio, San Lorenzo Municipio                  |
|                                |     |      |      |      |      |    | Anasco Municipio, Cabo Rojo Municipio                    |
|                                |     |      |      |      |      |    | Hormigueros Municipio, Mayaguez Municipio                |
| Ponce, PR MSA.....             | 310 | 378  | 446  | 557  | 625  |    | Sabana Grande Municipio, San German Municipio            |
|                                |     |      |      |      |      |    | Guayanilla Municipio, Juana Diaz Municipio               |
|                                |     |      |      |      |      |    | Penuelas Municipio, Ponce Municipio, Villalba Municipio  |
|                                |     |      |      |      |      |    | Yauco Municipio                                          |
| San Juan-Bayamon, PR PMSA..... | 310 | 378  | 446  | 557  | 625  |    | Aguas Buenas Municipio, Barceloneta Municipio            |
|                                |     |      |      |      |      |    | Bayamon Municipio, Canovanas Municipio                   |
|                                |     |      |      |      |      |    | Carolina Municipio, Catano Municipio, Ceiba Municipio    |
|                                |     |      |      |      |      |    | Comerio Municipio, Corozal Municipio, Dorado Municipio   |
|                                |     |      |      |      |      |    | Fajardo Municipio, Florida Municipio, Guaynabo Municipio |
|                                |     |      |      |      |      |    | Humacao Municipio, Juncos Municipio                      |
|                                |     |      |      |      |      |    | Las Piedras Municipio, Loiza Municipio                   |
|                                |     |      |      |      |      |    | Luquillo Municipio, Manati Municipio, Morovis Municipio  |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR., and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## P U E R T O R I C O continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Naguabo Municipio, Naranjito Municipio  
 Rio Grande Municipio, San Juan Municipio  
 Toa Alta Municipio, Toa Baja Municipio  
 Trujillo Alto Municipio, Vega Alta Municipio  
 Vega Baja Municipio, Yabucoa Municipio

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                          |      |      |      |      |
|--------------------------|------|------|------|------|--------------------------|--------------------------|------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR                       | O                        | BR 1 | BR 2 | BR 3 | BR 4 |
| Adjuntas Municipio.....  | 208  | 257  | 300  | 378  | 421                      | Aibonito Municipio.....  | 208  | 257  | 300  | 378  |
| Arroyo Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Barranquitas Municipio.. | 208  | 257  | 300  | 378  |
| Ciales Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Coamo Municipio.....     | 208  | 257  | 300  | 378  |
| Culebra Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Guanica Municipio.....   | 208  | 257  | 300  | 378  |
| Guayama Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Isabela Municipio.....   | 218  | 266  | 315  | 392  |
| Jayuya Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Lajas Municipio.....     | 208  | 257  | 300  | 378  |
| Lares Municipio.....     | 208  | 257  | 300  | 378  | 421                      | Las Marias Municipio.... | 208  | 257  | 300  | 378  |
| Maricao Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Maunabo Municipio.....   | 208  | 257  | 300  | 378  |
| Orocovis Municipio.....  | 208  | 257  | 300  | 378  | 421                      | Patillas Municipio.....  | 208  | 257  | 300  | 378  |
| Quebradillas Municipio.. | 320  | 387  | 455  | 572  | 640                      | Rincon Municipio.....    | 208  | 257  | 300  | 378  |
| Salinas Municipio.....   | 208  | 257  | 300  | 378  | 421                      | San Sebastian Municipio. | 208  | 257  | 300  | 378  |
| Santa Isabel Municipio.. | 208  | 257  | 300  | 378  | 421                      | Utua Municipio.....      | 208  | 257  | 300  | 378  |
| Vieques Municipio.....   | 208  | 257  | 300  | 378  | 421                      |                          |      |      |      |      |

## V I R G I N I S L A N D S

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |      |      |      |      |
|--------------------------|------|------|------|------|--------------------------|------|------|------|------|
| O BR                     | 1 BR | 2 BR | 3 BR | 4 BR | O BR                     | 1 BR | 2 BR | 3 BR | 4 BR |
| Virgin Islands.....      | 477  | 580  | 682  | 852  | 953                      |      |      |      |      |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895



SCHEDULE D - FY 1995 40th PERCENTILE FAIR MARKET RENTS FOR  
MANUFACTURED HOME SPACES

| <u>STATE/FMR AREA</u>           | <u>SPACE<br/>RENT</u> |
|---------------------------------|-----------------------|
| CALIFORNIA                      |                       |
| Orange County, CA PMSA          | \$439                 |
| San Diego, CA MSA               | 379                   |
| COLORADO                        |                       |
| Boulder-Longmont, CO PMSA       | 262                   |
| Denver, CO PMSA                 | 249                   |
| DELAWARE                        |                       |
| Dover, DE MSA                   | 158                   |
| Sussex County                   | 112                   |
| MARYLAND                        |                       |
| Hagerstown, MD MSA              | 197                   |
| St. Marys County                | 245                   |
| MINNESOTA                       |                       |
| Minneapolis-St. Paul, MN-WI MSA | 235                   |
| NEW YORK                        |                       |
| Dutchess, NY PMSA               | 318                   |
| Jamestown, NY MSA               | 166                   |
| Newburgh, NY MSA                | 299                   |
| Tompkins County, NY             | 193                   |
| OREGON                          |                       |
| Salem, OR PMSA                  | 200                   |
| VERMONT                         |                       |
| Washington County               | 195                   |
| WEST VIRGINIA                   |                       |
| Berkeley County                 | 129                   |
| Jefferson County                | 132                   |
| Morgan County                   | 130                   |

**Proposed Rule**

---

Tuesday  
August 15, 1995

---

**Part IV**

**Department of  
Housing and Urban  
Development**

---

Office of the Secretary

---

**24 CFR Part 888**

**Fair Market Rents for the Section 8  
Housing Assistance Payments Program,  
Fiscal Year 1996; Proposed Rule**

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Secretary

### 24 CFR Part 888

[Docket No. FR-3933-N-01]

### Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 1996

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Proposed Fiscal Year (FY) 1996 Fair Market Rents (FMRs).

**SUMMARY:** Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish FMRs annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate program (including space rentals by owners of manufactured homes under that program); the Moderate Rehabilitation Single Room Occupancy program; housing assisted under the Loan Management and Property Disposition programs; payment standards for the Rental Voucher program; and any other programs whose regulations specify their use.

This document provides the proposed FY 1996 FMRs at the 40th percentile level. On March 2, 1995, HUD published the proposed rule to revise 24 CFR part 888 to change the FMR rent standard from the 45th to 40th percentile rent level. That change was published in final on August 15, 1995 and made effective on September 14, 1995. The final FY 1995 FMRs at the 40th percentile level also were made effective on the same date in a separate document. That document included revised FMRs for 131 areas that had submitted public comments HUD determined provided a sufficient basis for such revision. In addition five areas were added to Schedule D on the basis of surveys submitted on manufactured home space rentals.

Because of the delay in publishing the proposed FY 1996 FMRs, the comment period will extend beyond the October 1 statutory date for publishing final FMRs. Therefore, there will be two final FY 1996 FMR publications. The first publication will make the FMRs contained in this document effective, except for the small number of areas with proposed FMR decreases, which will continue to use the FY 1995 FMRs until the Department has had the opportunity to assess any comments on these reductions. The second publication, to be issued early next year, will announce revised final FMRs for the areas for which HUD has made a determination that the rental housing

surveys submitted provided a sufficient basis for such revision.

**DATES:** Comments due date: October 16, 1995.

**ADDRESSES:** Interested persons are invited to submit comments regarding HUD's estimates of the FMRs as published in this Notice to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410. Communications should refer to the above docket number and title and should contain the information specified in Section VI. To ensure that the information is fully considered by all of the reviewers, each commenter is requested to submit two copies of its comments, one to the Rules Docket Clerk and the other to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.–5:30 p.m. Eastern Time) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gerald J. Benoit, Rental Assistance Division, Office of Public and Indian Housing, telephone (202) 708-0477. (TDD: (202) 708-0850). 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) 708-0577 (TDD: (202) 708-0770). (These are not toll-free numbers.)

## SUPPLEMENTARY INFORMATION:

### I. Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by FMRs established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

### II. Publication of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment and after evaluating the public comments,

publish the final FMRs (see 24 CFR 888.115). The proposed FY 1996 FMR schedules at the end of this document list the FMR levels for the Rental Certificate program (Schedule B), and for the areas where the manufactured home space FMRs have had modifications approved (Schedule D).

## III. Method used to Develop FMRs

### FMR Standard

The FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of the standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Newly built units less than two years old are excluded, and adjustments have been made to correct for the below market rents of public housing units included in the data base.

### Data Sources

HUD uses the most accurate and current data available to develop the FMR estimates. The sources of survey data used for the base-year estimates are:

(1) the 1990 Census, which provides statistically reliable rent data for all FMR areas;

(2) the Bureau of the Census' American Housing Surveys (AHSs), which are used to develop between-Census revisions for the largest metropolitan areas and which have accuracy comparable to the decennial Census; and

(3) the Random Digit Dialing (RDD) telephone surveys of individual FMR areas, which are based on a sampling procedure that uses computers to select statistically random samples of rental housing.

The base-year FMRs are updated using trending factors based on Consumer Price Index (CPI) data for rents and utilities or HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 102

metropolitan FMR areas. RDD Regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD geographical regions. The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

#### *FY 1996 FMRs*

This document proposes revised FMRs that reflect estimated 40th percentile rent levels trended to April 1, 1996. The FMRs have been calculated separately for each bedroom size category based on 1990 Census data. For most FMR areas, the ratios developed from the Census for that area were applied to the two-bedroom FMR estimate to derive the FMRs for the other bedroom size categories. Exceptions have been made for areas with local bedroom size rent intervals below an acceptable range. For those areas the bedroom size intervals selected were the minimums determined after outliers had been excluded from the distribution of bedroom ratios for all metropolitan areas. Higher ratios continue to be used for three-bedroom and larger size units than would result from using the actual market relationships. This is done to assist the largest, most difficult to house families in finding program-eligible units.

#### *RDD Surveys*

RDD surveys are used to obtain statistically-reliable FMR estimates for selected FMR areas. This survey technique involves drawing random samples of renter units occupied by recent movers. RDD surveys exclude public housing units, units built in the past two years, seasonal units, non-cash rental units, and those owned by relatives. A HUD analysis has shown that the slight downward RDD survey bias caused by including some rental units that are in substandard condition is almost exactly offset by the slight upward bias that results from surveying only units with telephones.

On average, about 8,000 telephone numbers need to be contacted to achieve the target survey sample level of at least 400 eligible responses. RDD surveys have a high degree of statistical accuracy; there is a 95 percent likelihood that the recent mover rent estimates developed using this approach are within 3 to 4 percent of the actual rent value. Virtually all of the estimates will be within 5 percent of the actual value.

Since last year's proposed FMRs were published (the FY 1995 proposed FMRs were published on June 23, 1994), HUD

has conducted 39 additional RDD surveys. Based on the results of these surveys, increased FMRs were made effective for 14 FMR areas in the separate Notice announcing the final FY 1995 FMRs. Today's Notice proposes reduced FMRs for the other 25 areas listed as follows:

Atlantic-Cape May, NJ  
Bergen-Passaic, NJ  
Bridgeport, CT  
Dayton-Springfield, OH  
Evansville-Henderson, IN-KY  
Fitchburg-Leominster, MA  
Fort Lauderdale, FL  
Hartford, CT  
Honolulu, HI  
Jackson, MS  
Jersey City, NJ  
Las Vegas, NV  
Miami, FL  
Middlesex-Somerset-Hunterdon, NJ  
Modesto, CA  
Monmouth-Ocean, NJ  
Newark, NJ  
Omaha, NE-IA  
Salinas, CA  
Santa Rosa, CA  
Stamford, CT  
Trenton, NJ  
Vallejo-Fairfield-Napa, CA  
Ventura, CA  
West Palm Beach-Boca Raton, FL

#### *AHS Areas*

AHSs cover the largest metropolitan areas on a four-year cycle, encompassing nearly half of the nation's rental housing stock. The 40th percentile rents for these areas are calculated from the distributions of two-bedroom units occupied by recent movers. Public housing units, newly constructed units and units that fail a housing quality test are excluded from the rental housing distributions before the FMRs are calculated. The proposed FY 1996 FMRs incorporate the results of the 1993 AHSs. Based on the survey results, the FMRs for 6 of these areas are being proposed with decreases in today's Notice:

Boston, MA-NH  
Oakland, CA  
San Jose, CA  
San Francisco, CA  
Tampa-St. Petersburg-Clearwater, FL  
Washington, DC-MD-VA-WV

The AHS results for Detroit, MI and Minneapolis-St. Paul, MN-WI, indicated that no change was warranted in the baseline FMRs. These two areas, therefore, had their FMRs updated in the normal manner.

#### *New MSAs*

This notice includes proposed FMRs for two new metropolitan FMR areas

based on new metropolitan area definitions made effective by OMB on June 30, 1995:

—Grand Junction, CO MSA, which consists of Mesa County; and  
—Flagstaff, AZ which consists of Coconino County AZ. The MSA consists of Coconino and Kane County, Utah. HUD has determined, however, that the Flagstaff FMR area shall consist only of Coconino County AZ. The Utah County of Kane is so far removed from the Flagstaff area that it is not considered to be part of the housing market area. Kane County therefore is identified as a separate metropolitan FMR area under the State of Utah listing.

#### **IV. State Minimum FMRs**

In response to numerous public inquiries expressing concern that the FMRs in rural areas are too low to operate the program successfully, HUD is proposing to implement a new minimum FMR policy. The new policy would establish the FMRs at the higher of the local FMR or the State-wide average FMR of nonmetropolitan counties, subject to a ceiling rent cap of \$450 on the nonmetropolitan State averages. In proposing this change, HUD is recognizing the difficulty that small PHAs in lightly populated rural areas have in developing valid FMR appeals and the concern that their FMRs may be affected by small sample sizes and a higher incidence of substandard housing and assisted housing with below market rents.

The procedure for setting minimum FMRs now in effect has increased the FMRs for areas with fewer than 100 Census interview cases to the level of the county in the State with the lowest rent of all counties with 100 or more cases. The proposed new procedure to establish FMR minimums using the State nonmetropolitan averages would raise the minimums considerably above those currently in effect for many nonmetropolitan counties. A small number of metropolitan FMR areas also would have their FMRs increased. There is precedent for this procedure in that HUD already is required by law to use nonmetropolitan State median family income averages to set the income limits for the Department's assisted housing programs, including the Section 8 Existing program.

#### **V. FMRs for Puerto Rico**

HUD is in the process of re-benchmarking the FMRs for Puerto Rico. While the current FMRs are higher than indicated by the 1990 Census, there is concern that strict reliance on the Census data to establish the FMRs may

not be appropriate because the housing quality measures for Puerto Rico are inadequate. To obtain additional information on this matter, HUD conducted specially designed RDD surveys of the San Juan, Mayaguez and Caguas FMR areas. These surveys were modified by adding housing quality questions to account for the greater incidence of substandard rental housing in Puerto Rico. The surveys of San Juan and Caguas found FMR estimates higher than 1990 Census-based estimates, but lower than the current FMRs. The results of the Mayaguez survey suggested that the current FMRs were correct.

Based on the RDD survey results, HUD is proposing reduced FMRs for the San Juan and Caguas areas and a small increase reflecting the normal inflation adjustment for the Mayaguez area. Pending completion of the scheduled RDDs, the FMRs for the Arecibo, Aguadilla, and Ponce areas are being proposed with changes similar to those indicated by RDD results of the areas in Puerto Rico with comparable rents. The FMRs of the nonmetropolitan FMR areas are being held at the current levels, except for Isabella and Quebradillas Municipios, which, because they are no longer part of a metropolitan area, have their FMRs proposed at levels consistent with the other nonmetropolitan areas.

Because the surveys confirmed the concern about the accuracy of the FMRs for Puerto Rico, HUD has decided to conduct additional RDD surveys of the three other metropolitan FMR areas—Arecibo, Aguadilla, and Ponce—and of the nonmetropolitan areas. Results of these surveys will be available in time to be incorporated into the second final publication of the FY 1996 FMRs.

#### **VI. Manufactured Home Space FMRs**

Manufactured home space FMRs are 30 percent of the applicable Section 8 Rental Certificate program FMR for a two-bedroom unit. HUD accepts public comments requesting modifications of these FMRs where they are thought to be inadequate to run the program. In order to be accepted as a basis for revising the FMRs, such comments must contain statistically valid survey data that show the 40th percentile space rent (excluding the cost of utilities) for the entire FMR area. This program uses the same FMR area definitions as the Section 8 Rental Certificate program. Manufactured home space FMR revisions are published as final FMRs in Schedule D. Once approved, the revised manufactured home space FMRs establish new base year estimates that are updated annually using the same

data used to update the Rental Certificate program FMRs.

#### **VII. FMRs for Federal Disaster Areas**

Under the authority granted in 24 CFR part 899, the Secretary finds good cause to waive the regulatory requirements that govern requests for geographic area FMR exceptions for areas that are declared disaster areas by the Federal Emergency Management Agency (FEMA) during FY 1996. HUD is prepared to grant disaster-related exceptions up to 10 percent above the applicable FMRs. HUD field offices are authorized to approve such exceptions for: (1) single-county FMR areas and for individual county parts of multi-county FMR areas that qualify as disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; if (2) the PHA certifies that damage to the rental housing stock as a result of the disaster is so substantial that it has increased the prevailing rent levels in the affected area. Such exceptions must be requested in writing by the responsible PHAs. Once approved by HUD, they will remain in effect until superseded by the publication of the final FY 1998 FMRs.

#### **VIII. Request for Comments**

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one of the bedroom-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

The Department also seeks comments on the proposal to establish State minimum FMRs at the State-wide average of FMRs for nonmetropolitan counties, subject to a maximum ceiling rent of \$450. This proposal may be subject to change, based on further analysis and public comments.

HUD recommends use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of \$10,000-\$12,000. Areas with 500 or more program units usually meet this criterion, and areas with fewer units may meet it if the actual two-bedroom FMR rent standard is significantly different than that proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This

methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of \$5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties. All grouped county surveys must be approved in advance by HUD. PHAs are cautioned that the resultant FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on its relationship to the combined rent of the cluster of FMR areas.

PHAs that plan to use the RDD survey technique may obtain a copy of the appropriate survey guide by calling HUD USER on 1-800-245-2691. Larger PHAs should request "Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments." Smaller PHAs should obtain "Rental Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments."

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the small PHA survey guide. Other survey methodologies are acceptable as long as the surveys submitted provide statistically reliable, unbiased estimates of the 40th percentile gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn so as to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means of verification for determining whether the sample is representative of the FMR area's rental housing stock.

Local rental housing surveys conducted with alternative methods must include the same type of documentation required of the RDD surveys. Specifically, PHA submissions must include:

- Identification of the 40th percentile gross rents (gross rent is rent including the cost of utilities) and the actual distribution (or distributions if more than one bedroom size is surveyed) of the surveyed units rank ordered by gross rent.
- An explanation of how the rental housing sample was drawn and a

copy of the survey questionnaire, transmittal letter, and any publicity materials.

- An explanation of how the contract rents of the individual units surveyed were converted to gross rents. (For RDD surveys HUD requires use of the Section 8 utility allowance schedule.)
- An explanation of how the survey excluded units built within two years prior to the survey date.
- The date the rent data were collected so that HUD can apply a trending factor to update the estimate to April 1, 1996. If the survey has already been trended to this date, the date the survey was conducted and a description of the trending factor used.
- Copies of all survey sheets.

Since FMRs are based on standard quality units and units occupied by recent movers, both of which are difficult to identify and survey, HUD will accept surveys of all rental units and apply appropriate adjustments.

Most surveys cover only two-bedroom units, in which case HUD will make the adjustments for other size units consistent with the differentials established on the basis of the 1990 Census data for the FMR area. When three- and four-bedroom units are surveyed separately to determine FMRs for these unit size categories, the commenter should multiply the 40th percentile survey rents by 1.087 and by 1.077, respectively, to determine the FMRs. The use of these factors will produce the same upward adjustments in the rent differentials as those used in the HUD methodology.

## IX. Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under Executive Order No. 12606, The Family, has determined that this Notice will not have a significant impact on family formation, maintenance, or well-being. The Notice amends Fair Market Rent

schedules for various Section 8 assisted housing programs, and does not affect the amount of rent a family receiving rental assistance pays, which is based on a percentage of the family's income.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, Federalism, has determined that this Notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will be codified in 24 CFR Part 888, are amended as follows:

Dated: August 4, 1995.

**Henry G. Cisneros,**  
Secretary.

## Fair Market Rents for the Section 8 Housing Assistance Payments Program

### Schedules B and D—General Explanatory Notes

#### 1. Geographic Coverage

a. The FMRs shown in Schedule B incorporate the Office of Management and Budget's (OMB) most current definitions of metropolitan areas (with the exceptions discussed in paragraph b). HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions. FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition.

b. The exceptions are counties deleted from seven large metropolitan areas whose revised OMB definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing:

#### Metropolitan Area and Counties Deleted

Atlanta, GA—Carroll, Pickens, and Walton Counties.  
Chicago, IL—DeKalb, Grundy and Kendall Counties.  
Cincinnati-Hamilton, OH-KY-IN—Brown County, Ohio; Gallatin, Grant

and Pendleton Counties in Kentucky; and Ohio County, Indiana.  
Dallas, TX—Henderson County.  
Lafayette, LA—St. Landry and Acadia Parishes.

New Orleans, LA—St. James Parish.  
Washington, DC—Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpepper, King George and Warren counties in Virginia.

c. FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states and for FMR areas in Puerto Rico, the Virgin Islands, and the Pacific Islands.

d. FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan county. The complete definitions of these areas including the independent cities are as follows:

### VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND INDEPENDENT CITIES INCLUDED

| County            | Cities                      |
|-------------------|-----------------------------|
| Allegheny .....   | Clifton Forge and Covington |
| Augusta .....     | Staunton and Waynesboro     |
| Carroll .....     | Galax                       |
| Frederick .....   | Winchester                  |
| Greensville ..... | Emporia                     |
| Halifax .....     | South Boston                |
| Henry .....       | Martinsville                |
| Montgomery ...    | Radford                     |
| Rockbridge ...    | Buena Vista and Lexington   |
| Rockingham ...    | Harrisonburg                |
| Southampton       | Franklin                    |
| Wise .....        | Norton                      |

e. FMRs for Section 8 manufactured home spaces are 30 percent of the two-bedroom Section 8 Rental Certificate program FMRs, with the exception of the areas listed in Schedule D whose manufactured home space FMRs have been revised on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that are updated annually using the same data used to estimate the Rental Certificate program FMRs. The FMR area definitions used for manufactured home spaces are the same as for the Section 8 Certificate program.

#### 2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan

FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the

FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

**BILLING CODE 4210-32-P**

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## A L A B A M A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                          |     |     |     |     |     |                                      |
|--------------------------|-----|-----|-----|-----|-----|--------------------------------------|
| Annisston, AL MSA.....   | 239 | 283 | 353 | 494 | 559 | Calhoun                              |
| Birmingham, AL MSA.....  | 340 | 384 | 447 | 605 | 672 | Blount, Jefferson, St. Clair, Shelby |
| Columbus, GA-AL MSA..... | 322 | 359 | 430 | 563 | 610 | Russell                              |
| Decatur, AL MSA.....     | 317 | 320 | 405 | 523 | 625 | Lawrence, Morgan                     |
| Dothan, AL MSA.....      | 287 | 294 | 365 | 503 | 510 | Dale, Houston                        |
| Florence, AL MSA.....    | 269 | 310 | 398 | 496 | 556 | Colbert, Lauderdale                  |
| Gadsden, AL MSA.....     | 239 | 292 | 338 | 438 | 539 | Etowah                               |
| Huntsville, AL MSA.....  | 333 | 390 | 481 | 641 | 762 | Limestone, Madison                   |
| Mobile, AL MSA.....      | 321 | 358 | 411 | 553 | 649 | Baldwin, Mobile                      |
| Montgomery, AL MSA.....  | 364 | 389 | 459 | 626 | 753 | Autauga, Elmore, Montgomery          |
| Tuscaloosa, AL MSA.....  | 314 | 337 | 448 | 615 | 651 | Tuscaloosa                           |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                |     |     |     |     |     |                 |     |     |     |     |     |
|----------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|
| Barbour.....   | 234 | 278 | 332 | 430 | 492 | Bibb.....       | 234 | 278 | 332 | 447 | 536 |
| Bullock.....   | 234 | 278 | 332 | 430 | 492 | Butler.....     | 234 | 278 | 332 | 430 | 492 |
| Chambers.....  | 234 | 278 | 332 | 430 | 492 | Cherokee.....   | 234 | 278 | 332 | 430 | 492 |
| Chilton.....   | 242 | 278 | 332 | 430 | 492 | Choctaw.....    | 234 | 278 | 332 | 430 | 492 |
| Clarke.....    | 234 | 278 | 332 | 430 | 492 | Clay.....       | 234 | 278 | 332 | 430 | 492 |
| Cleburne.....  | 234 | 278 | 332 | 430 | 492 | Coffee.....     | 234 | 329 | 427 | 594 | 667 |
| Conecuh.....   | 234 | 278 | 332 | 430 | 492 | Coosa.....      | 234 | 278 | 332 | 430 | 492 |
| Covington..... | 234 | 278 | 332 | 430 | 492 | Crenshaw.....   | 234 | 278 | 332 | 430 | 492 |
| Cullman.....   | 234 | 278 | 332 | 440 | 535 | Dallas.....     | 234 | 278 | 332 | 430 | 492 |
| Dekalb.....    | 234 | 278 | 332 | 430 | 492 | Escambia.....   | 234 | 278 | 332 | 430 | 492 |
| Fayette.....   | 234 | 278 | 332 | 430 | 492 | Franklin.....   | 234 | 278 | 332 | 430 | 492 |
| Geneva.....    | 234 | 278 | 332 | 430 | 492 | Greene.....     | 234 | 278 | 332 | 430 | 492 |
| Hale.....      | 234 | 278 | 332 | 430 | 492 | Henry.....      | 234 | 278 | 332 | 430 | 492 |
| Jackson.....   | 253 | 278 | 332 | 430 | 528 | Lamar.....      | 234 | 278 | 332 | 430 | 492 |
| Lee.....       | 247 | 345 | 442 | 575 | 727 | Lowndes.....    | 234 | 278 | 332 | 430 | 492 |
| Macon.....     | 255 | 287 | 383 | 479 | 536 | Marengo.....    | 234 | 278 | 332 | 430 | 492 |
| Marion.....    | 234 | 278 | 332 | 430 | 492 | Marshall.....   | 268 | 278 | 338 | 469 | 555 |
| Monroe.....    | 234 | 278 | 332 | 430 | 492 | Perry.....      | 234 | 278 | 332 | 430 | 492 |
| Pickens.....   | 234 | 278 | 332 | 430 | 492 | Pike.....       | 239 | 278 | 332 | 430 | 500 |
| Randolph.....  | 234 | 278 | 332 | 430 | 492 | Sumter.....     | 234 | 278 | 332 | 430 | 492 |
| Talladega..... | 234 | 278 | 332 | 430 | 492 | Tallapoosa..... | 235 | 278 | 332 | 430 | 492 |
| Walker.....    | 234 | 289 | 340 | 439 | 560 | Washington..... | 234 | 278 | 332 | 430 | 492 |
| Wilcox.....    | 234 | 278 | 332 | 430 | 492 | Winston.....    | 234 | 278 | 332 | 430 | 492 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## A L A S K A

## METROPOLITAN FMR AREAS

|                        | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR         | Counties of FMR AREA within STATE |
|------------------------|-----|------|------|------|------|------------|-----------------------------------|
| Anchorage, AK MSA..... | 473 | 557  | 740  | 1029 | 1215 | Anchorage. |                                   |

## NONMETROPOLITAN COUNTIES

|                           | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES  | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|---------------------------|-----|------|------|------|------|----|---------------------------|-----|------|------|------|------|----|
| Aleutian East.....        | 491 | 553  | 623  | 778  | 1020 |    | Aleutian East.....        | 421 | 475  | 533  | 668  | 748  |    |
| Bethel.....               | 633 | 792  | 1003 | 1256 | 1406 |    | Bristol Bay.....          | 508 | 586  | 660  | 917  | 997  |    |
| Dillingham.....           | 612 | 622  | 827  | 1036 | 1159 |    | Fairbanks North Star..... | 386 | 525  | 689  | 947  | 1117 |    |
| Haines.....               | 456 | 565  | 644  | 876  | 902  |    | Juneau.....               | 681 | 787  | 1002 | 1334 | 1386 |    |
| Kenai Peninsula.....      | 368 | 469  | 565  | 785  | 927  |    | Ketchikan Gateway.....    | 502 | 613  | 821  | 1143 | 1201 |    |
| Kodiak Island.....        | 653 | 717  | 931  | 1164 | 1510 |    | Lake & Peninsula.....     | 392 | 634  | 713  | 890  | 998  |    |
| Matanuska-Susitna.....    | 357 | 484  | 544  | 739  | 873  |    | Nome.....                 | 645 | 798  | 896  | 1247 | 1407 |    |
| North Slope.....          | 732 | 750  | 927  | 1290 | 1503 |    | Northwest Arctic.....     | 775 | 873  | 980  | 1363 | 1608 |    |
| Pr. Wales Outer Ketchikan | 342 | 544  | 625  | 868  | 918  |    | Sitka.....                | 540 | 641  | 719  | 1000 | 1181 |    |
| Skagway-Yakutat-Angoon..  | 419 | 426  | 552  | 691  | 775  |    | Southeast Fairbanks.....  | 430 | 451  | 544  | 680  | 764  |    |
| Valdez-Cordova.....       | 512 | 627  | 697  | 890  | 1060 |    | Wade Hampton.....         | 366 | 552  | 622  | 777  | 871  |    |
| Wrangell-Petersburg.....  | 373 | 550  | 668  | 851  | 934  |    | Yukon-Koyukuk.....        | 489 | 551  | 621  | 776  | 899  |    |

## A R I Z O N A

## METROPOLITAN FMR AREAS

|                           | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR              | Counties of FMR AREA within STATE |
|---------------------------|-----|------|------|------|------|-----------------|-----------------------------------|
| Flagstaff, AZ.....        | 401 | 435  | 564  | 757  | 909  | Coconino        |                                   |
| Las Vegas, NV-AZ MSA..... | 437 | 519  | 618  | 860  | 1015 | Mohave          |                                   |
| Phoenix-Mesa, AZ MSA..... | 370 | 447  | 561  | 780  | 920  | Maricopa, Pinal |                                   |
| Tucson, AZ MSA.....       | 345 | 416  | 553  | 770  | 908  | Pima            |                                   |
| Yuma, AZ MSA.....         | 345 | 401  | 534  | 743  | 748  | Yuma            |                                   |

## NONMETROPOLITAN COUNTIES

|               | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|---------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Apache.....   | 347 | 364  | 463  | 604  | 718  |    | Cochise.....             | 347 | 364  | 463  | 604  | 718  |    |
| Gila.....     | 347 | 364  | 463  | 604  | 718  |    | Graham.....              | 347 | 364  | 463  | 604  | 718  |    |
| Greenlee..... | 347 | 364  | 463  | 604  | 718  |    | La Paz.....              | 347 | 364  | 463  | 604  | 718  |    |
| Navaajo.....  | 347 | 364  | 463  | 604  | 718  |    | Santa Cruz.....          | 347 | 384  | 475  | 604  | 718  |    |
| Yavapai.....  | 368 | 384  | 512  | 714  | 786  |    |                          |     |      |      |      |      |    |

## A R K A N S A S

## METROPOLITAN FMR AREAS

|                                             | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                                | Counties of FMR AREA within STATE |
|---------------------------------------------|-----|------|------|------|------|-----------------------------------|-----------------------------------|
| Fayetteville-Springdale-Rogers, AR MSA..... | 261 | 327  | 430  | 582  | 602  | Benton, Washington                |                                   |
| Fort Smith, AR-OK MSA.....                  | 282 | 286  | 376  | 504  | 528  | Crawford, Sebastian               |                                   |
| Little Rock-North Little Rock, AR MSA.....  | 352 | 390  | 464  | 641  | 748  | Faulkner, Lonoke, Pulaski, Saline |                                   |
| Memphis, TN-AR-MS MSA.....                  | 321 | 374  | 440  | 611  | 642  | Crittenden                        |                                   |
| Pine Bluff, AR MSA.....                     | 268 | 318  | 419  | 529  | 688  | Jefferson                         |                                   |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A R K A N S A S continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Texarkana, TX-Texarkana, AR MSA..... 286 350 427 563 597 Miller

| NONMETROPOLITAN COUNTIES | O BR | 1 BR | 2 BR | 3 BR | 4 BR | NONMETROPOLITAN COUNTIES | O BR | 1 BR | 2 BR | 3 BR | 4 BR |
|--------------------------|------|------|------|------|------|--------------------------|------|------|------|------|------|
| Arkansas.....            | 250  | 270  | 345  | 473  | 513  | Ashley.....              | 227  | 270  | 345  | 458  | 542  |
| Baxter.....              | 227  | 290  | 385  | 494  | 602  | Boone.....               | 269  | 274  | 363  | 506  | 597  |
| Bradley.....             | 227  | 270  | 345  | 458  | 513  | Calhoun.....             | 227  | 270  | 345  | 458  | 513  |
| Carroll.....             | 267  | 292  | 345  | 458  | 547  | Chicot.....              | 227  | 270  | 345  | 458  | 513  |
| Clark.....               | 250  | 270  | 350  | 458  | 553  | Clay.....                | 227  | 270  | 345  | 458  | 513  |
| Cleburne.....            | 257  | 270  | 345  | 458  | 520  | Cleveland.....           | 227  | 270  | 345  | 458  | 513  |
| Columbia.....            | 227  | 270  | 345  | 458  | 513  | Conway.....              | 227  | 281  | 376  | 469  | 526  |
| Craighead.....           | 294  | 320  | 377  | 520  | 549  | Cross.....               | 236  | 298  | 345  | 465  | 548  |
| Dallas.....              | 227  | 270  | 345  | 458  | 513  | Desha.....               | 227  | 270  | 345  | 458  | 513  |
| Drew.....                | 227  | 294  | 393  | 543  | 552  | Franklin.....            | 238  | 270  | 345  | 458  | 513  |
| Fulton.....              | 235  | 270  | 345  | 458  | 513  | Garland.....             | 227  | 290  | 388  | 540  | 638  |
| Grant.....               | 236  | 281  | 345  | 458  | 518  | Greene.....              | 244  | 270  | 345  | 458  | 513  |
| Hempstead.....           | 227  | 270  | 345  | 458  | 513  | Hot Spring.....          | 227  | 270  | 345  | 458  | 513  |
| Howard.....              | 227  | 270  | 345  | 458  | 513  | Independence.....        | 239  | 277  | 345  | 458  | 513  |
| Izard.....               | 227  | 270  | 345  | 458  | 513  | Jackson.....             | 235  | 270  | 345  | 458  | 513  |
| Johnson.....             | 227  | 270  | 345  | 458  | 513  | Lafayette.....           | 238  | 270  | 345  | 458  | 513  |
| Lawrence.....            | 227  | 270  | 345  | 458  | 513  | Lee.....                 | 251  | 270  | 345  | 458  | 513  |
| Lincoln.....             | 246  | 270  | 351  | 470  | 513  | Little River.....        | 227  | 270  | 351  | 487  | 574  |
| Logan.....               | 238  | 270  | 345  | 458  | 513  | Madison.....             | 259  | 270  | 351  | 458  | 513  |
| Marion.....              | 227  | 270  | 345  | 458  | 513  | Mississippi.....         | 258  | 281  | 376  | 495  | 555  |
| Monroe.....              | 231  | 270  | 345  | 458  | 513  | Montgomery.....          | 227  | 270  | 345  | 458  | 513  |
| Nevada.....              | 227  | 270  | 345  | 474  | 513  | Newton.....              | 227  | 270  | 345  | 458  | 513  |
| Quachita.....            | 265  | 270  | 345  | 477  | 563  | Perry.....               | 227  | 270  | 345  | 458  | 513  |
| Phillips.....            | 227  | 270  | 345  | 458  | 513  | Pike.....                | 227  | 270  | 345  | 458  | 513  |
| Poinsett.....            | 227  | 270  | 345  | 458  | 513  | Polk.....                | 227  | 270  | 345  | 458  | 513  |
| Pope.....                | 227  | 297  | 376  | 522  | 601  | Prairie.....             | 227  | 270  | 345  | 458  | 513  |
| Randolph.....            | 227  | 270  | 345  | 458  | 513  | St. Francis.....         | 227  | 276  | 345  | 468  | 550  |
| Scott.....               | 227  | 270  | 345  | 458  | 513  | Searcy.....              | 227  | 270  | 345  | 458  | 513  |
| Sevier.....              | 249  | 270  | 345  | 458  | 513  | Sharp.....               | 227  | 270  | 345  | 458  | 513  |
| Stone.....               | 227  | 270  | 345  | 458  | 513  | Union.....               | 285  | 300  | 361  | 484  | 593  |
| Van Buren.....           | 227  | 270  | 345  | 458  | 566  | White.....               | 227  | 270  | 345  | 474  | 513  |
| Woodruff.....            | 227  | 270  | 345  | 458  | 513  | Yell.....                | 236  | 270  | 345  | 458  | 513  |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## C A L I F O R N I A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                                      |                          |     |     |      |      |                                 |                |     |     |
|------------------------------------------------------|--------------------------|-----|-----|------|------|---------------------------------|----------------|-----|-----|
| Bakersfield, CA MSA.....                             | 377                      | 425 | 532 | 739  | 819  | Kern                            |                |     |     |
| Chico-Paradise, CA MSA.....                          | 314                      | 402 | 535 | 734  | 878  | Butte                           |                |     |     |
| Fresno, CA MSA.....                                  | 386                      | 432 | 516 | 717  | 826  | Fresno, Madera                  |                |     |     |
| Los Angeles-Long Beach, CA PMSA.....                 | 564                      | 676 | 855 | 1154 | 1377 | Los Angeles                     |                |     |     |
| Merced, CA MSA.....                                  | 374                      | 421 | 511 | 706  | 833  | Merced                          |                |     |     |
| Modesto, CA MSA.....                                 | 413                      | 445 | 543 | 757  | 891  | Stanislaus                      |                |     |     |
| Oakland, CA PMSA.....                                | 508                      | 615 | 771 | 1057 | 1264 | Alameda, Contra Costa           |                |     |     |
| Orange County, CA PMSA.....                          | 637                      | 696 | 860 | 1197 | 1333 | Orange                          |                |     |     |
| Redding, CA MSA.....                                 | 355                      | 394 | 493 | 685  | 808  | Shasta                          |                |     |     |
| Riverside-San Bernardino, CA PMSA.....               | 455                      | 507 | 618 | 859  | 1014 | Riverside, San Bernardino       |                |     |     |
| Sacramento, CA PMSA.....                             | 444                      | 501 | 626 | 870  | 1025 | El Dorado, Placer, Sacramento   |                |     |     |
| Salinas, CA MSA.....                                 | 503                      | 588 | 709 | 986  | 1034 | Monterey                        |                |     |     |
| San Diego, CA MSA.....                               | 473                      | 541 | 677 | 940  | 1109 | San Diego                       |                |     |     |
| San Francisco, CA PMSA.....                          | 580                      | 751 | 950 | 1302 | 1377 | Marin, San Francisco, San Mateo |                |     |     |
| San Jose, CA PMSA.....                               | 641                      | 731 | 903 | 1238 | 1391 | Santa Clara                     |                |     |     |
| San Luis Obispo-Atascadero-Paso Robles, CA PMSA..... | 481                      | 544 | 690 | 959  | 1132 | San Luis Obispo                 |                |     |     |
| Santa Barbara-Santa Maria-Lompoc, CA MSA.....        | 585                      | 650 | 824 | 1147 | 1294 | Santa Barbara                   |                |     |     |
| Santa Cruz-Watsonville, CA PMSA.....                 | 596                      | 709 | 948 | 1317 | 1544 | Santa Cruz                      |                |     |     |
| Santa Rosa, CA PMSA.....                             | 497                      | 563 | 730 | 1015 | 1199 | Sonoma                          |                |     |     |
| Stockton-Lodi, CA MSA.....                           | 415                      | 470 | 602 | 837  | 988  | San Joaquin                     |                |     |     |
| Vallejo-Fairfield-Napa, CA PMSA.....                 | 493                      | 561 | 684 | 950  | 1122 | Napa, Solano                    |                |     |     |
| Ventura, CA PMSA.....                                | 533                      | 612 | 775 | 1031 | 1200 | Ventura                         |                |     |     |
| Visalia-Tulare-Porterville, CA MSA.....              | 347                      | 369 | 480 | 671  | 766  | Tulare                          |                |     |     |
| Yolo, CA PMSA.....                                   | 447                      | 510 | 630 | 875  | 1033 | Yolo                            |                |     |     |
| Yuba City, CA MSA.....                               | 309                      | 358 | 460 | 642  | 742  | Sutter, Yuba                    |                |     |     |
| NONMETROPOLITAN COUNTIES                             | O BR 1 BR 2 BR 3 BR 4 BR |     |     |      |      | NONMETROPOLITAN COUNTIES        | O BR 1 BR 2 BR |     |     |
| Alpine.....                                          | 294                      | 441 | 498 | 692  | 746  | Amador.....                     | 405            | 447 | 596 |
| Calaveras.....                                       | 356                      | 411 | 548 | 762  | 898  | Colusa.....                     | 321            | 360 | 463 |
| Del Norte.....                                       | 301                      | 412 | 548 | 763  | 900  | Glenn.....                      | 294            | 360 | 463 |
| Humboldt.....                                        | 303                      | 420 | 551 | 768  | 908  | Imperial.....                   | 332            | 415 | 511 |
| Inyo.....                                            | 304                      | 411 | 527 | 691  | 746  | Kings.....                      | 341            | 395 | 494 |
| Lake.....                                            | 331                      | 421 | 562 | 708  | 921  | Lassen.....                     | 360            | 364 | 473 |
| Mariposa.....                                        | 317                      | 403 | 519 | 679  | 802  | Mendocino.....                  | 406            | 489 | 601 |
| Modoc.....                                           | 321                      | 360 | 463 | 646  | 746  | Mono.....                       | 449            | 538 | 715 |
| Nevada.....                                          | 368                      | 503 | 670 | 932  | 1080 | Plumas.....                     | 324            | 360 | 463 |
| San Benito.....                                      | 441                      | 519 | 650 | 905  | 1060 | Sierra.....                     | 294            | 393 | 485 |
| Siskiyou.....                                        | 308                      | 360 | 463 | 646  | 746  | Tehama.....                     | 307            | 360 | 463 |
| Trinity.....                                         | 330                      | 360 | 463 | 646  | 746  | Tuolumne.....                   | 325            | 444 | 592 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## C O L O R A D O

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                    |     |     |     |     |      |                                             |
|------------------------------------|-----|-----|-----|-----|------|---------------------------------------------|
| Boulder-Longmont, CO PMSA.....     | 434 | 520 | 667 | 929 | 1095 | Boulder                                     |
| Colorado Springs, CO MSA.....      | 372 | 398 | 531 | 739 | 874  | E1 Paso                                     |
| Denver, CO PMSA.....               | 365 | 435 | 579 | 804 | 949  | Adams, Arapahoe, Denver, Douglas, Jefferson |
| Fort Collins-Loveland, CO MSA..... | 384 | 474 | 585 | 812 | 960  | Larimer                                     |
| Grand Junction, CO MSA.....        | 354 | 367 | 459 | 618 | 736  | Mesa                                        |
| Greeley, CO PMSA.....              | 365 | 403 | 507 | 704 | 833  | Weld                                        |
| Pueblo, CO MSA.....                | 372 | 386 | 482 | 649 | 773  | Pueblo                                      |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                  |     |     |      |      |      |                 |     |     |     |      |      |
|------------------|-----|-----|------|------|------|-----------------|-----|-----|-----|------|------|
| Alamosa.....     | 354 | 367 | 459  | 618  | 736  | Archuleta.....  | 354 | 388 | 459 | 618  | 736  |
| Baca.....        | 354 | 367 | 459  | 618  | 736  | Bent.....       | 354 | 367 | 459 | 618  | 736  |
| Chaffee.....     | 354 | 367 | 459  | 618  | 736  | Cheyenne.....   | 354 | 367 | 459 | 618  | 736  |
| Clear Creek..... | 354 | 412 | 467  | 650  | 766  | Conejos.....    | 354 | 367 | 459 | 618  | 736  |
| Costilla.....    | 354 | 367 | 459  | 618  | 736  | Crowley.....    | 354 | 367 | 459 | 618  | 736  |
| Custer.....      | 354 | 367 | 459  | 618  | 736  | Delta.....      | 354 | 367 | 459 | 618  | 736  |
| Dolores.....     | 354 | 367 | 459  | 618  | 736  | Eagle.....      | 476 | 518 | 691 | 962  | 1134 |
| Elbert.....      | 390 | 434 | 494  | 618  | 811  | Fremont.....    | 354 | 367 | 459 | 618  | 736  |
| Garfield.....    | 411 | 440 | 556  | 694  | 910  | Gilpin.....     | 354 | 470 | 597 | 788  | 872  |
| Grand.....       | 420 | 424 | 537  | 672  | 813  | Gunnison.....   | 354 | 367 | 459 | 618  | 736  |
| Hinsdale.....    | 354 | 374 | 459  | 618  | 736  | Huerfano.....   | 354 | 367 | 459 | 618  | 736  |
| Jackson.....     | 354 | 367 | 459  | 618  | 736  | Kiowa.....      | 354 | 367 | 459 | 618  | 736  |
| Kit Carson.....  | 354 | 367 | 459  | 618  | 736  | Lake.....       | 354 | 367 | 459 | 618  | 736  |
| La Plata.....    | 394 | 435 | 574  | 799  | 943  | Las Animas..... | 354 | 377 | 459 | 618  | 736  |
| Lincoln.....     | 354 | 367 | 459  | 618  | 736  | Logan.....      | 354 | 367 | 459 | 618  | 736  |
| Mineral.....     | 354 | 367 | 459  | 618  | 736  | Moffat.....     | 354 | 367 | 459 | 618  | 736  |
| Montezuma.....   | 354 | 367 | 459  | 618  | 736  | Montrose.....   | 354 | 367 | 464 | 643  | 759  |
| Morgan.....      | 354 | 367 | 459  | 618  | 736  | Otero.....      | 354 | 367 | 459 | 618  | 736  |
| Ouray.....       | 354 | 367 | 464  | 618  | 751  | Park.....       | 354 | 391 | 510 | 708  | 805  |
| Phillips.....    | 354 | 367 | 459  | 618  | 736  | Pitkin.....     | 531 | 726 | 967 | 1276 | 1450 |
| Provers.....     | 354 | 367 | 459  | 618  | 736  | Rio Blanco..... | 354 | 367 | 459 | 618  | 736  |
| Rio Grande.....  | 354 | 367 | 459  | 618  | 736  | Routt.....      | 354 | 428 | 565 | 785  | 925  |
| Saguache.....    | 354 | 367 | 459  | 618  | 736  | San Juan.....   | 354 | 367 | 459 | 618  | 736  |
| San Miguel.....  | 651 | 940 | 1033 | 1291 | 1665 | Sedgwick.....   | 354 | 367 | 459 | 618  | 736  |
| Summit.....      | 456 | 546 | 699  | 973  | 1198 | Teller.....     | 354 | 419 | 559 | 777  | 783  |
| Washington.....  | 354 | 367 | 459  | 618  | 736  | Yuma.....       | 354 | 367 | 459 | 618  | 736  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## C O N T E N T S

PAGE 6

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

|                                    |     |     |     |      |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------|-----|-----|-----|------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bridgeport, CT PMSA.....           | 444 | 577 | 695 | 869  | 1085 | Fairfield county towns of Bridgeport town, Easton town<br>Fairfield town, Monroe town, Shelton town<br>Stratford town, Trumbull town<br>New Haven county towns of Ansonia town, Beacon Falls town<br>Derby town, Milford town, Oxford town, Seymour town<br>Fairfield county towns of Bethel town, Brookfield town<br>Danbury town, New Fairfield town, Newtown town<br>Redding town, Ridgefield town, Sherman town<br>Litchfield county towns of Bridgewater town<br>New Milford town, Roxbury town, Washington town<br>Hartford county towns of Avon town, Berlin town<br>Bloomfield town, Bristol town, Burlington town<br>Canton town, East Granby town, East Hartford town<br>East Windsor town, Enfield town, Farmington town<br>Glastonbury town, Granby town, Hartford town<br>Manchester town, Marlborough town, New Britain town<br>Newington town, Plainville town, Rocky Hill town<br>Simsbury town, Southington town, South Windsor town<br>Suffield town, West Hartford town, Wethersfield town<br>Windsor town, Windsor Locks town<br>Litchfield county towns of Barkhamsted town<br>Harwinton town, New Hartford town, Plymouth town<br>Winchester town<br>Middlesex county towns of Cromwell town, Durham town<br>East Haddam town, East Hampton town, Haddam town<br>Middlefield town, Middletown town, Portland town<br>New London county towns of Colchester town, Lebanon town<br>Tolland county towns of Andover town, Bolton town<br>Columbia town, Coventry town, Ellington town<br>Hebron town, Mansfield town, Somers town, Stafford town<br>Tolland town, Vernon town, Willington town<br>Windham town<br>Middlesex county towns of Clinton town, Killingworth town<br>New Haven county towns of Bethany town, Branford town<br>Cheshire town, East Haven town, Guilford town<br>Hamden town, Madison town, Meriden town, New Haven town<br>North Branford town, North Haven town, Orange town<br>Wallingford town, West Haven town, Woodbridge town<br>Middlesex county towns of Old Saybrook town<br>New London county towns of Bozrah town, East Lyme town<br>Franklin town, Griswold town, Groton town, Ledyard town<br>Lisbon town, Montville town, New London town<br>North Stonington town, Norwich town, Old Lyme town<br>Preston town, Salem town, Sprague town, Stonington town<br>Waterford town<br>Windham county towns of Canterbury town, Plainfield town |
| Danbury, CT PMSA.....              | 636 | 761 | 950 | 1255 | 1446 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Hartford, CT PMSA.....             | 422 | 524 | 670 | 840  | 1021 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| New Haven-Meriden, CT PMSA.....    | 528 | 648 | 802 | 1026 | 1189 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| New London-Norwich, CT-RI MSA..... | 476 | 575 | 700 | 877  | 1002 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

PAGE 7

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## C O N T E N T S continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Stamford-Norwalk, CT PMSA..... 710 832 1014 1359 1501 Fairfield county towns of Darien town, Greenwich town  
New Canaan town, Norwalk town, Stamford town  
Weston town, Westport town, Wilton town  
Waterbury, CT MSA..... 403 545 674 842 942 Litchfield county towns of Bathlehem town, Thomaston town  
Watertown town, Woodbury town  
New Haven county towns of Middlebury town, Naugatuck town  
Prospect town, Southbury town, Waterbury town  
Wolcott town  
Worcester, MA-CT..... 455 551 689 859 963 Windham county towns of Thompson town

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

Hartford..... 342 552 623 866 1021 Hartland town  
Litchfield..... 397 540 721 901 1025 Canaan town, Colebrook town, Cornwall town, Goshen town  
Kent town, Litchfield town, Morris town, Norfolk town  
North Canaan town, Salisbury town, Sharon town  
Torrington town, Warren town  
Middlesex..... 588 666 890 1237 1459 Chester town, Deep River town, Essex town  
Westbrook town  
New London..... 498 610 693 895 1136 Lyme town, Voluntown town  
Tolland..... 342 552 623 866 872 Union town  
Windham..... 393 481 623 780 979 Brooklyn town, Eastford town, Hampton town  
Killingly town, Pomfret town, Putnam town, Scotland town  
Sterling town, Woodstock town

## D E L A W A R E

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Dover, DE MSA..... 415 460 525 681 773 Kent  
Wilmington-Newark, DE-MD PMSA..... 409 541 630 856 1033 New Castle

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Sussex..... 364 386 493 647 691

## D I S T . O F C O L U M B I A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Washington, DC-MD-VA..... 569 646 759 1033 1245 District of Columbia

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## F L O R I D A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                              |        |      |      |      |      |                                         |
|----------------------------------------------|--------|------|------|------|------|-----------------------------------------|
| Daytona Beach, FL MSA.....                   | 375    | 438  | 561  | 745  | 790  | Flagler, Volusia                        |
| Fort Lauderdale, FL PMSA.....                | 470    | 552  | 683  | 951  | 1121 | Broward                                 |
| Fort Myers-Cape Coral, FL MSA.....           | 417    | 481  | 580  | 809  | 845  | Lee                                     |
| Fort Pierce-Port Lucie, FL MSA.....          | 428    | 470  | 609  | 792  | 854  | Martin, St. Lucie                       |
| Fort Walton Beach, FL MSA.....               | 375    | 409  | 463  | 629  | 742  | Okaloosa                                |
| Gainesville, FL MSA.....                     | 375    | 409  | 497  | 681  | 804  | Alachua                                 |
| Jacksonville, FL MSA.....                    | 391    | 438  | 528  | 698  | 776  | Clay, Duval, Nassau, St. Johns          |
| Lakeland-Winter Haven, FL MSA.....           | 375    | 409  | 463  | 588  | 674  | Polk                                    |
| Melbourne-Titusville-Palm Bay, FL MSA.....   | 375    | 445  | 557  | 746  | 870  | Brevard                                 |
| Miami, FL PMSA.....                          | 459    | 575  | 718  | 986  | 1143 | Dade                                    |
| Naples, FL MSA.....                          | 401    | 565  | 679  | 944  | 1053 | Collier                                 |
| Ocala, FL MSA.....                           | 375    | 409  | 463  | 609  | 715  | Marion                                  |
| Orlando, FL MSA.....                         | 464    | 528  | 629  | 826  | 1008 | Lake, Orange, Osceola, Seminole         |
| Panama City, FL MSA.....                     | 375    | 409  | 463  | 592  | 635  | Bay                                     |
| Pensacola, FL MSA.....                       | 375    | 409  | 463  | 620  | 732  | Escambia, Santa Rosa                    |
| Punta Gorda, FL MSA.....                     | 375    | 429  | 571  | 793  | 936  | Charlotte                               |
| Sarasota-Bradenton, FL MSA.....              | 376    | 477  | 606  | 781  | 849  | Manatee, Sarasota                       |
| Tallahassee, FL MSA.....                     | 384    | 423  | 559  | 731  | 881  | Gadsden, Leon                           |
| Tampa-St. Petersburg-Clearwater, FL MSA..... | 370    | 440  | 545  | 725  | 878  | Hernando, Hillsborough, Pasco, Pinellas |
| West Palm Beach-Boca Raton, FL MSA.....      | 458    | 536  | 663  | 882  | 1089 | Palm Beach                              |
| NONMETROPOLITAN COUNTIES                     | O BR 1 | BR 2 | BR 3 | BR 4 | BR   |                                         |
| Baker.....                                   | 368    | 402  | 455  | 564  | 614  |                                         |
| Calhoun.....                                 | 368    | 402  | 455  | 564  | 614  |                                         |
| Columbia.....                                | 368    | 402  | 455  | 564  | 614  |                                         |
| Dixie.....                                   | 368    | 402  | 455  | 564  | 614  |                                         |
| Gilchrist.....                               | 368    | 402  | 455  | 564  | 614  |                                         |
| Gulf.....                                    | 368    | 402  | 455  | 564  | 614  |                                         |
| Hardee.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Highlands.....                               | 368    | 402  | 455  | 566  | 633  |                                         |
| Indian River.....                            | 368    | 460  | 591  | 739  | 827  |                                         |
| Jefferson.....                               | 368    | 402  | 455  | 564  | 614  |                                         |
| Levy.....                                    | 368    | 402  | 455  | 564  | 614  |                                         |
| Madison.....                                 | 368    | 402  | 455  | 564  | 614  |                                         |
| Okeechobee.....                              | 368    | 402  | 455  | 564  | 620  |                                         |
| Sumter.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Taylor.....                                  | 368    | 402  | 455  | 564  | 615  |                                         |
| Wakulla.....                                 | 368    | 402  | 455  | 564  | 614  |                                         |
| Washington.....                              | 368    | 402  | 455  | 564  | 614  |                                         |
| NONMETROPOLITAN COUNTIES                     | O BR 1 | BR 2 | BR 3 | BR 4 | BR   |                                         |
| Bradford.....                                | 368    | 402  | 455  | 564  | 614  |                                         |
| Citrus.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Desoto.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Franklin.....                                | 368    | 402  | 455  | 564  | 614  |                                         |
| Glades.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Hamilton.....                                | 368    | 402  | 455  | 564  | 614  |                                         |
| Hendry.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Holmes.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Jackson.....                                 | 368    | 402  | 455  | 564  | 614  |                                         |
| Lafayette.....                               | 368    | 402  | 455  | 564  | 614  |                                         |
| Liberty.....                                 | 368    | 402  | 455  | 564  | 614  |                                         |
| Monroe.....                                  | 527    | 594  | 763  | 1052 | 1251 |                                         |
| Putnam.....                                  | 368    | 402  | 455  | 564  | 614  |                                         |
| Suwannee.....                                | 368    | 402  | 455  | 564  | 614  |                                         |
| Union.....                                   | 368    | 402  | 455  | 564  | 614  |                                         |
| Walton.....                                  | 368    | 402  | 455  | 585  | 732  |                                         |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 9

## G E O R G I A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                               |     |     |     |     |     |                                                         |
|-------------------------------|-----|-----|-----|-----|-----|---------------------------------------------------------|
| Albany, GA MSA.....           | 279 | 327 | 400 | 546 | 590 | Dougherty, Lee                                          |
| Athens, GA MSA.....           | 345 | 371 | 480 | 654 | 788 | Clarke, Madison, Oconee                                 |
| Atlanta, GA.....              | 465 | 518 | 604 | 803 | 973 | Barrow, Bartow, Cherokee, Clayton, Cobb, Coweta, Dekalb |
|                               |     |     |     |     |     | Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry      |
| Augusta-Aiken, GA-SC MSA..... | 331 | 396 | 466 | 634 | 750 | Newton, Paulding, Rockdale, Spalding                    |
| Carroll County, GA.....       | 310 | 325 | 419 | 583 | 689 | Columbia, McDuffie, Richmond                            |
| Chattanooga, TN-GA MSA.....   | 318 | 373 | 447 | 577 | 658 | Carroll                                                 |
| Columbus, GA-AL MSA.....      | 322 | 359 | 430 | 563 | 610 | Catoosa, Dade, Walker                                   |
| Macon, GA MSA.....            | 335 | 374 | 434 | 599 | 616 | Chattahoochee, Harris, Muscogee                         |
|                               |     |     |     |     |     | Bibb, Houston, Jones, Peach, Twiggs                     |
| Pickens County, GA.....       | 270 | 325 | 401 | 557 | 585 | Pickens                                                 |
| Savannah, GA MSA.....         | 337 | 418 | 486 | 655 | 682 | Bryan, Chatham, Effingham                               |
| Walton County, GA.....        | 344 | 371 | 478 | 664 | 784 | Walton                                                  |

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR

|                |     |     |     |     |     |               |     |     |     |     |     |
|----------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|
| Appling.....   | 267 | 322 | 393 | 510 | 579 | Atkinson..... | 267 | 322 | 393 | 510 | 579 |
| Bacon.....     | 267 | 322 | 393 | 510 | 579 | Baker.....    | 267 | 322 | 393 | 510 | 579 |
| Baldwin.....   | 267 | 342 | 417 | 534 | 583 | Banks.....    | 267 | 322 | 393 | 510 | 579 |
| Ben Hill.....  | 267 | 322 | 393 | 510 | 587 | Barrien.....  | 267 | 322 | 393 | 510 | 579 |
| Bleckley.....  | 267 | 322 | 393 | 510 | 579 | Brantley..... | 267 | 322 | 393 | 510 | 579 |
| Brooks.....    | 267 | 322 | 393 | 510 | 579 | Bulloch.....  | 322 | 327 | 420 | 541 | 687 |
| Burke.....     | 267 | 322 | 393 | 510 | 579 | Butts.....    | 267 | 353 | 470 | 628 | 658 |
| Calhoun.....   | 267 | 322 | 393 | 510 | 579 | Camden.....   | 374 | 423 | 474 | 658 | 778 |
| Candler.....   | 267 | 322 | 393 | 510 | 579 | Charlton..... | 267 | 322 | 393 | 510 | 579 |
| Chattooga..... | 267 | 322 | 393 | 510 | 579 | Clay.....     | 267 | 322 | 393 | 510 | 579 |
| Clinch.....    | 267 | 322 | 393 | 510 | 579 | Coffee.....   | 267 | 322 | 393 | 510 | 587 |
| Colquitt.....  | 267 | 322 | 393 | 510 | 579 | Cook.....     | 267 | 322 | 393 | 510 | 579 |
| Crawford.....  | 267 | 322 | 393 | 510 | 579 | Crisp.....    | 270 | 322 | 393 | 510 | 579 |
| Dawson.....    | 267 | 347 | 463 | 578 | 714 | Decatur.....  | 267 | 322 | 393 | 510 | 579 |
| Dodge.....     | 267 | 322 | 393 | 510 | 579 | Dooly.....    | 267 | 322 | 393 | 510 | 579 |
| Early.....     | 267 | 322 | 393 | 510 | 579 | Echols.....   | 267 | 322 | 393 | 510 | 579 |
| Elbert.....    | 267 | 322 | 393 | 510 | 579 | Emanuel.....  | 267 | 322 | 393 | 510 | 579 |
| Evans.....     | 267 | 322 | 393 | 510 | 579 | Fannin.....   | 267 | 322 | 393 | 510 | 579 |
| Floyd.....     | 267 | 322 | 394 | 521 | 579 | Franklin..... | 267 | 322 | 393 | 510 | 579 |
| Gilmer.....    | 267 | 322 | 393 | 510 | 579 | Glascok.....  | 267 | 322 | 393 | 510 | 579 |
| Glynn.....     | 373 | 417 | 473 | 634 | 777 | Gordon.....   | 317 | 322 | 401 | 518 | 661 |
| Grady.....     | 272 | 322 | 393 | 510 | 579 | Greene.....   | 267 | 322 | 393 | 510 | 579 |
| Habersham..... | 287 | 322 | 393 | 510 | 584 | Hall.....     | 283 | 430 | 505 | 633 | 707 |
| Hancock.....   | 267 | 322 | 393 | 510 | 579 | Haralson..... | 267 | 322 | 393 | 510 | 579 |
| Hart.....      | 267 | 322 | 393 | 510 | 579 | Heard.....    | 267 | 322 | 393 | 510 | 579 |
| Irwin.....     | 267 | 322 | 393 | 510 | 579 | Jackson.....  | 298 | 322 | 404 | 510 | 665 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## G E O R G I A continued

| NONMETROPOLITAN COUNTIES |     |     |     |     |     |   |    |   |    |                 |  | NONMETROPOLITAN COUNTIES |     |     |     |     |    |   |    |   |    |  |  |
|--------------------------|-----|-----|-----|-----|-----|---|----|---|----|-----------------|--|--------------------------|-----|-----|-----|-----|----|---|----|---|----|--|--|
| O                        | BR  | 1   | BR  | 2   | BR  | 3 | BR | 4 | BR |                 |  | O                        | BR  | 1   | BR  | 2   | BR | 3 | BR | 4 | BR |  |  |
| Jasper.....              | 267 | 322 | 398 | 541 | 579 |   |    |   |    | Jeff Davis..... |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Jefferson.....           | 267 | 322 | 393 | 510 | 587 |   |    |   |    | Jenkins.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Johnson.....             | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Lamar.....      |  | 267                      | 331 | 393 | 510 | 624 |    |   |    |   |    |  |  |
| Lanier.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Laurens.....    |  | 273                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Liberty.....             | 333 | 371 | 422 | 586 | 591 |   |    |   |    | Lincoln.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Long.....                | 267 | 347 | 393 | 510 | 579 |   |    |   |    | Lowndes.....    |  | 300                      | 362 | 438 | 615 | 679 |    |   |    |   |    |  |  |
| Lumpkin.....             | 267 | 360 | 405 | 542 | 665 |   |    |   |    | McIntosh.....   |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Macon.....               | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Marion.....     |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Meriwether.....          | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Miller.....     |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Mitchell.....            | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Monroe.....     |  | 267                      | 322 | 393 | 519 | 579 |    |   |    |   |    |  |  |
| Montgomery.....          | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Morgan.....     |  | 267                      | 322 | 408 | 510 | 579 |    |   |    |   |    |  |  |
| Murray.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Oglethorpe..... |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Pierce.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Pike.....       |  | 310                      | 337 | 426 | 593 | 597 |    |   |    |   |    |  |  |
| Polk.....                | 267 | 322 | 393 | 532 | 579 |   |    |   |    | Pulaski.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Putnam.....              | 267 | 322 | 393 | 510 | 587 |   |    |   |    | Quitman.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Rabun.....               | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Randolph.....   |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Schley.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Screven.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Seminole.....            | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Stephens.....   |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Stewart.....             | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Sumter.....     |  | 267                      | 327 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Talbot.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Taliaferro..... |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Tattnall.....            | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Taylor.....     |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Telfair.....             | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Terrell.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Thomas.....              | 267 | 332 | 393 | 510 | 579 |   |    |   |    | Tift.....       |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Toombs.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Towns.....      |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Treutlen.....            | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Troup.....      |  | 267                      | 364 | 410 | 512 | 579 |    |   |    |   |    |  |  |
| Turner.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Union.....      |  | 267                      | 322 | 411 | 515 | 579 |    |   |    |   |    |  |  |
| Upson.....               | 276 | 322 | 393 | 510 | 579 |   |    |   |    | Ware.....       |  | 296                      | 332 | 393 | 510 | 613 |    |   |    |   |    |  |  |
| Warren.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Washington..... |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Wayne.....               | 276 | 322 | 393 | 510 | 579 |   |    |   |    | Webster.....    |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Wheeler.....             | 267 | 322 | 393 | 510 | 579 |   |    |   |    | White.....      |  | 267                      | 322 | 393 | 510 | 593 |    |   |    |   |    |  |  |
| Whitfield.....           | 267 | 350 | 422 | 539 | 636 |   |    |   |    | Wilcox.....     |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Wilkes.....              | 267 | 322 | 393 | 510 | 579 |   |    |   |    | Wilkinson.....  |  | 267                      | 322 | 393 | 510 | 579 |    |   |    |   |    |  |  |
| Worth.....               | 267 | 322 | 393 | 510 | 579 |   |    |   |    |                 |  |                          |     |     |     |     |    |   |    |   |    |  |  |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## H A W A I I

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Honolulu, HI MSA..... 691 826 973 1315 1423 Honolulu

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Hawaii..... 459 598 687 914 1126

Maui..... 741 919 1121 1448 1640

Kauai..... 586 876 1067 1410 1525

## I D A H O

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Boise City, ID MSA..... 371 424 515 715 845 Ada, Canyon

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Adams..... 263 305 394 521 617

Bear Lake..... 263 305 394 521 617

Bannock..... 263 305 394 539 635

Bingham..... 280 305 394 521 617

Blaine..... 407 448 597 832 981

Bonner..... 302 375 463 643 740

Boise..... 263 340 394 521 617

Boundary..... 263 305 394 521 617

Bonneville..... 263 305 394 521 617

Butte..... 263 305 394 521 617

Camas..... 263 305 394 521 617

Camas..... 263 305 394 521 617

Caribou..... 263 305 394 521 617

Cassia..... 263 305 394 521 617

Cassia..... 263 305 394 521 617

Clark..... 263 305 394 521 617

Clearwater..... 263 305 394 521 617

Clearwater..... 263 305 394 521 617

Custer..... 263 305 394 521 617

Elmore..... 263 305 394 521 617

Elmore..... 263 305 394 521 617

Franklin..... 263 305 394 521 617

Fremont..... 263 305 394 521 617

Fremont..... 263 305 394 521 617

Gem..... 263 305 394 521 617

Gooding..... 263 305 394 521 617

Gooding..... 263 305 394 521 617

Idaho..... 263 305 394 521 617

Jefferson..... 271 305 394 521 617

Jefferson..... 271 305 394 521 617

Jerome..... 263 305 394 521 617

Kootenai..... 335 394 515 717 847

Kootenai..... 335 394 515 717 847

Latah..... 263 305 394 521 617

Lemhi..... 263 305 394 521 617

Lemhi..... 263 305 394 521 617

Lewis..... 263 305 394 521 617

Lincoln..... 263 305 394 521 617

Lincoln..... 263 305 394 521 617

Madison..... 263 305 394 521 617

Minidoka..... 263 305 394 521 617

Minidoka..... 263 305 394 521 617

Nez Perce..... 268 305 394 521 617

Oneida..... 264 305 394 521 617

Oneida..... 264 305 394 521 617

Owyhee..... 263 305 394 521 617

Payette..... 263 305 394 521 617

Payette..... 263 305 394 521 617

Power..... 263 305 394 521 617

Shoshone..... 263 305 394 521 617

Shoshone..... 263 305 394 521 617

Teton..... 287 305 394 533 630

Twin Falls..... 263 305 399 525 617

Twin Falls..... 263 305 399 525 617

Valley..... 274 305 394 521 617

Washington..... 263 305 394 521 617

Washington..... 263 305 394 521 617

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## I L L I N O I S

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                              |     |     |     |     |     |                                             |
|----------------------------------------------|-----|-----|-----|-----|-----|---------------------------------------------|
| Bloomington-Normal, IL MSA.....              | 301 | 368 | 493 | 684 | 723 | McLean                                      |
| Champaign-Urbana, IL MSA.....                | 324 | 397 | 514 | 705 | 844 | Champaign                                   |
| Chicago, IL.....                             | 492 | 591 | 704 | 881 | 985 | Cook, Dupage, Kane, Lake, McHenry, Will     |
| Davenport-Moline-Rock Island, IA-IL MSA..... | 263 | 364 | 450 | 582 | 630 | Henry, Rock Island                          |
| Decatur, IL MSA.....                         | 252 | 326 | 419 | 566 | 587 | Macon                                       |
| De Kalb County, IL.....                      | 381 | 444 | 563 | 781 | 906 | Dekalb                                      |
| Grundy County, IL.....                       | 333 | 384 | 511 | 675 | 717 | Grundy                                      |
| Kankakee, IL PMSA.....                       | 302 | 366 | 488 | 623 | 683 | Kankakee                                    |
| Kendall County, IL.....                      | 460 | 524 | 632 | 880 | 885 | Kendall                                     |
| Peoria-Pekin, IL MSA.....                    | 310 | 343 | 459 | 611 | 750 | Peoria, Tazewell, Woodford                  |
| Rockford, IL MSA.....                        | 301 | 386 | 470 | 591 | 689 | Boone, Ogle, Winnebago                      |
| St. Louis, MO-IL MSA.....                    | 297 | 362 | 471 | 612 | 677 | Clinton, Jersey, Madison, Monroe, St. Clair |
| Springfield, IL MSA.....                     | 291 | 359 | 479 | 637 | 724 | Menard, Sangamon                            |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |                 |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|
| Adams.....      | 244 | 275 | 353 | 463 | 562 | Alexander.....  | 244 | 275 | 353 | 463 | 520 |
| Bond.....       | 244 | 275 | 353 | 463 | 520 | Brown.....      | 244 | 275 | 353 | 463 | 520 |
| Bureau.....     | 244 | 308 | 362 | 463 | 520 | Calhoun.....    | 244 | 275 | 353 | 463 | 520 |
| Carroll.....    | 244 | 275 | 353 | 463 | 520 | Cass.....       | 245 | 275 | 353 | 463 | 520 |
| Christian.....  | 263 | 275 | 355 | 465 | 520 | Clark.....      | 244 | 275 | 353 | 463 | 520 |
| Clay.....       | 244 | 275 | 353 | 463 | 520 | Coles.....      | 258 | 307 | 409 | 543 | 642 |
| Crawford.....   | 244 | 275 | 353 | 463 | 520 | Cumberland..... | 244 | 275 | 353 | 463 | 520 |
| De Witt.....    | 248 | 275 | 353 | 467 | 520 | Douglas.....    | 261 | 275 | 353 | 463 | 520 |
| Edgar.....      | 244 | 275 | 353 | 463 | 520 | Edwards.....    | 244 | 275 | 353 | 463 | 520 |
| Effingham.....  | 244 | 283 | 353 | 463 | 520 | Fayette.....    | 244 | 275 | 353 | 463 | 520 |
| Ford.....       | 244 | 275 | 353 | 463 | 520 | Franklin.....   | 244 | 275 | 353 | 463 | 520 |
| Fulton.....     | 244 | 275 | 353 | 463 | 520 | Gallatin.....   | 244 | 275 | 353 | 463 | 520 |
| Greene.....     | 244 | 275 | 353 | 463 | 520 | Hamilton.....   | 244 | 276 | 353 | 463 | 520 |
| Hancock.....    | 244 | 275 | 353 | 463 | 520 | Hardin.....     | 244 | 275 | 353 | 463 | 520 |
| Henderson.....  | 244 | 275 | 353 | 463 | 520 | Iroquois.....   | 244 | 275 | 353 | 463 | 520 |
| Jackson.....    | 296 | 297 | 375 | 533 | 596 | Jasper.....     | 244 | 277 | 353 | 463 | 520 |
| Jefferson.....  | 245 | 288 | 360 | 491 | 520 | Jo Daviess..... | 271 | 293 | 353 | 463 | 520 |
| Johnson.....    | 244 | 275 | 353 | 463 | 520 | Knox.....       | 244 | 275 | 353 | 463 | 537 |
| La Salle.....   | 244 | 286 | 382 | 516 | 579 | Lawrence.....   | 244 | 275 | 353 | 463 | 520 |
| Lee.....        | 273 | 281 | 374 | 468 | 526 | Livingston..... | 244 | 301 | 402 | 518 | 565 |
| Logan.....      | 274 | 291 | 387 | 485 | 608 | McDonough.....  | 244 | 280 | 353 | 463 | 557 |
| Macoupin.....   | 244 | 275 | 353 | 463 | 520 | Marion.....     | 249 | 275 | 353 | 463 | 520 |
| Marshall.....   | 244 | 275 | 353 | 463 | 520 | Mason.....      | 244 | 275 | 353 | 463 | 527 |
| Massac.....     | 245 | 275 | 353 | 463 | 520 | Mercer.....     | 244 | 275 | 353 | 463 | 520 |
| Montgomery..... | 244 | 275 | 353 | 463 | 520 | Morgan.....     | 244 | 309 | 412 | 548 | 578 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## ILLINOIS continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Moultrie.....            | 244 | 275  | 353  | 476  | 520  |    | Perry.....               | 245 | 275  | 353  | 463  | 520  |    |
| Piatt.....               | 244 | 297  | 386  | 527  | 541  |    | Pike.....                | 244 | 275  | 353  | 463  | 520  |    |
| Pope.....                | 244 | 275  | 353  | 463  | 520  |    | Pulaski.....             | 244 | 275  | 353  | 463  | 520  |    |
| Putnam.....              | 244 | 275  | 353  | 463  | 520  |    | Randolph.....            | 244 | 275  | 353  | 463  | 520  |    |
| Richland.....            | 244 | 275  | 353  | 463  | 520  |    | Saline.....              | 244 | 275  | 353  | 463  | 520  |    |
| Schuyler.....            | 244 | 275  | 353  | 463  | 520  |    | Scott.....               | 244 | 275  | 353  | 463  | 520  |    |
| Shelby.....              | 244 | 275  | 353  | 463  | 520  |    | Stark.....               | 244 | 275  | 353  | 463  | 520  |    |
| Stephenson.....          | 258 | 295  | 373  | 467  | 524  |    | Union.....               | 244 | 275  | 353  | 463  | 520  |    |
| Vermilion.....           | 244 | 311  | 389  | 487  | 544  |    | Wabash.....              | 244 | 275  | 353  | 463  | 549  |    |
| Warren.....              | 258 | 275  | 353  | 463  | 520  |    | Washington.....          | 244 | 293  | 390  | 489  | 634  |    |
| Wayne.....               | 244 | 275  | 353  | 463  | 520  |    | White.....               | 244 | 275  | 353  | 463  | 520  |    |
| Whiteside.....           | 258 | 294  | 391  | 490  | 551  |    | Williamson.....          | 244 | 275  | 355  | 494  | 520  |    |

## INDIANA

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                       |
|--------------------------------------|-----|-----|-----|-----|-----|-------------------------------------------------------|
| Bloomington, IN MSA.....             | 302 | 391 | 521 | 723 | 854 | Monroe                                                |
| Cincinnati, OH-KY-IN.....            | 289 | 372 | 498 | 667 | 720 | Dearborn                                              |
| Elkhart-Goshen, IN MSA.....          | 346 | 395 | 500 | 640 | 734 | Elkhart                                               |
| Evansville-Henderson, IN-KY MSA..... | 255 | 312 | 405 | 507 | 567 | Posey, Vanderburgh, Warrick                           |
| Fort Wayne, IN MSA.....              | 297 | 379 | 470 | 606 | 659 | Adams, Allen, De Kalb, Huntington, Wells, Whitley     |
| Gary, IN PMSA.....                   | 313 | 412 | 513 | 644 | 720 | Lake, Porter                                          |
| Indianapolis, IN MSA.....            | 339 | 425 | 511 | 640 | 717 | Boone, Hamilton, Hancock, Hendricks, Johnson, Madison |
| Kokomo, IN MSA.....                  | 278 | 329 | 429 | 552 | 600 | Marion, Morgan, Shelby                                |
| Lafayette, IN MSA.....               | 297 | 376 | 502 | 698 | 824 | Howard, Tipton                                        |
| Louisville, KY-IN MSA.....           | 293 | 377 | 461 | 638 | 673 | Clinton, Tippecanoe                                   |
| Muncie, IN MSA.....                  | 276 | 344 | 407 | 552 | 652 | Clark, Floyd, Harrison, Scott                         |
| Ohio County, IN.....                 | 269 | 303 | 387 | 499 | 549 | Delaware                                              |
| South Bend, IN MSA.....              | 298 | 396 | 522 | 651 | 730 | St. Joseph                                            |
| Terre Haute, IN MSA.....             | 268 | 314 | 400 | 500 | 558 | Clay, Vermillion, Vigo                                |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                  |     |     |     |     |     |               |     |     |     |     |     |  |
|------------------|-----|-----|-----|-----|-----|---------------|-----|-----|-----|-----|-----|--|
| Bartholomew..... | 374 | 403 | 487 | 608 | 800 | Benton.....   | 264 | 297 | 380 | 490 | 538 |  |
| Blackford.....   | 264 | 297 | 392 | 491 | 549 | Brown.....    | 264 | 350 | 461 | 641 | 664 |  |
| Carroll.....     | 264 | 297 | 380 | 490 | 538 | Cass.....     | 264 | 297 | 380 | 490 | 538 |  |
| Crawford.....    | 264 | 297 | 380 | 490 | 538 | Daviess.....  | 264 | 297 | 380 | 490 | 538 |  |
| Decatur.....     | 264 | 322 | 412 | 533 | 580 | Dubois.....   | 264 | 297 | 380 | 490 | 555 |  |
| Fayette.....     | 264 | 297 | 381 | 490 | 577 | Fountain..... | 264 | 297 | 380 | 490 | 538 |  |
| Franklin.....    | 264 | 297 | 380 | 490 | 602 | Fulton.....   | 291 | 304 | 380 | 511 | 538 |  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## I N D I A N A continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|
| Gibson.....              | 264 | 297  | 380  | 490  | 538  |    |
| Greene.....              | 264 | 297  | 380  | 490  | 538  |    |
| Jackson.....             | 324 | 339  | 419  | 554  | 595  |    |
| Jay.....                 | 264 | 297  | 380  | 490  | 538  |    |
| Jennings.....            | 276 | 297  | 380  | 490  | 538  |    |
| Kosciusko.....           | 264 | 349  | 421  | 546  | 590  |    |
| La Porte.....            | 269 | 325  | 435  | 557  | 609  |    |
| Marshall.....            | 312 | 317  | 421  | 531  | 590  |    |
| Miami.....               | 264 | 297  | 380  | 490  | 538  |    |
| Newton.....              | 276 | 297  | 380  | 490  | 538  |    |
| Orange.....              | 264 | 297  | 380  | 490  | 538  |    |
| Parke.....               | 264 | 297  | 380  | 490  | 562  |    |
| Pike.....                | 264 | 297  | 380  | 490  | 538  |    |
| Putnam.....              | 287 | 334  | 411  | 551  | 556  |    |
| Ripley.....              | 264 | 297  | 380  | 498  | 563  |    |
| Spencer.....             | 264 | 297  | 380  | 490  | 538  |    |
| Steuben.....             | 323 | 365  | 436  | 544  | 609  |    |
| Switzerland.....         | 264 | 297  | 380  | 490  | 538  |    |
| Wabash.....              | 264 | 297  | 380  | 490  | 538  |    |
| Washington.....          | 264 | 297  | 380  | 490  | 538  |    |
| White.....               | 264 | 297  | 380  | 490  | 594  |    |

## I O W A

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                              |     |     |     |     |     |                      |
|----------------------------------------------|-----|-----|-----|-----|-----|----------------------|
| Cedar Rapids, IA MSA.....                    | 258 | 363 | 466 | 650 | 697 | Linn                 |
| Davenport-Moline-Rock Island, IA-IL MSA..... | 263 | 364 | 450 | 582 | 630 | Scott                |
| Des Moines, IA MSA.....                      | 350 | 444 | 545 | 707 | 743 | Dallas, Polk, Warren |
| Dubuque, IA MSA.....                         | 273 | 334 | 430 | 549 | 669 | Dubuque              |
| Iowa City, IA MSA.....                       | 311 | 401 | 515 | 715 | 845 | Johnson              |
| Omaha, NE-IA MSA.....                        | 279 | 382 | 483 | 633 | 710 | Pottawattamie        |
| Sioux City, IA-NE MSA.....                   | 290 | 348 | 434 | 542 | 618 | Woodbury             |
| Waterloo-Cedar Falls, IA MSA.....            | 255 | 325 | 406 | 541 | 635 | Black Hawk           |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 15

## I O W A continued

| NONMETROPOLITAN COUNTIES |     |     |     | NONMETROPOLITAN COUNTIES |     |     |     |
|--------------------------|-----|-----|-----|--------------------------|-----|-----|-----|
| O                        | BR  | 1   | 2   | BR                       | 3   | BR  | 4   |
| Adair.....               |     |     |     | Adams.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Allamakee.....           |     |     |     | Appanoose.....           |     |     |     |
| 250                      | 309 | 388 | 497 | 569                      | 250 | 309 | 388 |
| Audubon.....             |     |     |     | Benton.....              |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 257 | 309 | 388 |
| Boone.....               |     |     |     | Bremer.....              |     |     |     |
| 250                      | 328 | 388 | 497 | 589                      | 250 | 309 | 388 |
| Buchanan.....            |     |     |     | Buena Vista.....         |     |     |     |
| 264                      | 309 | 388 | 492 | 543                      | 265 | 309 | 388 |
| Butler.....              |     |     |     | Calhoun.....             |     |     |     |
| 266                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Carroll.....             |     |     |     | Cass.....                |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Cedar.....               |     |     |     | Cerro Gordo.....         |     |     |     |
| 250                      | 313 | 388 | 492 | 543                      | 250 | 327 | 405 |
| Cherokee.....            |     |     |     | Chickasaw.....           |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Clarke.....              |     |     |     | Clay.....                |     |     |     |
| 257                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Clayton.....             |     |     |     | Clinton.....             |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 393 |
| Crawford.....            |     |     |     | Davis.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Decatur.....             |     |     |     | Delaware.....            |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Des Moines.....          |     |     |     | Dickinson.....           |     |     |     |
| 250                      | 318 | 410 | 513 | 573                      | 250 | 309 | 388 |
| Emmet.....               |     |     |     | Fayette.....             |     |     |     |
| 250                      | 309 | 388 | 492 | 573                      | 250 | 309 | 388 |
| Floyd.....               |     |     |     | Franklin.....            |     |     |     |
| 272                      | 309 | 388 | 492 | 543                      | 257 | 309 | 388 |
| Fremont.....             |     |     |     | Greene.....              |     |     |     |
| 275                      | 309 | 388 | 492 | 571                      | 250 | 309 | 388 |
| Grundy.....              |     |     |     | Guthrie.....             |     |     |     |
| 250                      | 309 | 388 | 492 | 557                      | 250 | 309 | 388 |
| Hamilton.....            |     |     |     | Hancock.....             |     |     |     |
| 285                      | 323 | 392 | 492 | 549                      | 250 | 309 | 388 |
| Hardin.....              |     |     |     | Harrison.....            |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Henry.....               |     |     |     | Howard.....              |     |     |     |
| 250                      | 316 | 402 | 503 | 569                      | 250 | 309 | 388 |
| Humboldt.....            |     |     |     | Ida.....                 |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 257 | 309 | 388 |
| Iowa.....                |     |     |     | Jackson.....             |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 390 |
| Jasper.....              |     |     |     | Jefferson.....           |     |     |     |
| 250                      | 316 | 401 | 501 | 561                      | 250 | 315 | 420 |
| Jones.....               |     |     |     | Keokuk.....              |     |     |     |
| 259                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Kossuth.....             |     |     |     | Lee.....                 |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 400 |
| Louisa.....              |     |     |     | Lucas.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Lyon.....                |     |     |     | Madison.....             |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 403 |
| Mahaska.....             |     |     |     | Marion.....              |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 342 | 420 |
| Marshall.....            |     |     |     | Mills.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 334 | 394 |
| Mitchell.....            |     |     |     | Monona.....              |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Monroe.....              |     |     |     | Montgomery.....          |     |     |     |
| 250                      | 325 | 388 | 492 | 571                      | 275 | 310 | 388 |
| Muscatine.....           |     |     |     | O'Brien.....             |     |     |     |
| 250                      | 309 | 410 | 545 | 573                      | 250 | 309 | 388 |
| Osceola.....             |     |     |     | Page.....                |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Palo Alto.....           |     |     |     | Plymouth.....            |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 405 |
| Pocahontas.....          |     |     |     | Poweshiek.....           |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 265 | 328 | 420 |
| Ringgold.....            |     |     |     | Sac.....                 |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Shelby.....              |     |     |     | Stout.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 543                      | 250 | 309 | 388 |
| Story.....               |     |     |     | Tama.....                |     |     |     |
| 325                      | 395 | 465 | 646 | 739                      | 250 | 309 | 388 |
| Taylor.....              |     |     |     | Union.....               |     |     |     |
| 250                      | 309 | 388 | 492 | 544                      | 250 | 309 | 388 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 16

## I O W A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Van Buren.....           | 250  | 309  | 388  | 492  | 543 | Wapello.....             | 250  | 309  | 391  | 492  | 547 |
| Washington.....          | 250  | 309  | 388  | 492  | 571 | Wayne.....               | 250  | 309  | 388  | 492  | 543 |
| Webster.....             | 250  | 309  | 393  | 494  | 551 | Winnebago.....           | 250  | 314  | 388  | 492  | 543 |
| Winneshek.....           | 250  | 309  | 388  | 492  | 543 | Worth.....               | 250  | 309  | 388  | 492  | 551 |
| Wright.....              | 250  | 309  | 388  | 492  | 543 |                          |      |      |      |      |     |

## K A N S A S

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS      |     |      |      |      |      |    |                                        |   |      |      |      |      | Counties of FMR AREA within STATE |  |  |  |  |  |  |  |  |  |  |  |  |
|-----------------------------|-----|------|------|------|------|----|----------------------------------------|---|------|------|------|------|-----------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|
|                             | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |                                        | O | BR 1 | BR 2 | BR 3 | BR 4 | BR                                |  |  |  |  |  |  |  |  |  |  |  |  |
| Kansas City, MO-KS MSA..... | 319 | 402  | 483  | 668  | 740  |    | Johnson, Leavenworth, Miami, Wyandotte |   |      |      |      |      |                                   |  |  |  |  |  |  |  |  |  |  |  |  |
| Lawrence, KS MSA.....       | 332 | 397  | 510  | 710  | 817  |    | Douglas                                |   |      |      |      |      |                                   |  |  |  |  |  |  |  |  |  |  |  |  |
| Topeka, KS MSA.....         | 312 | 359  | 466  | 630  | 711  |    | Shawnee                                |   |      |      |      |      |                                   |  |  |  |  |  |  |  |  |  |  |  |  |
| Wichita, KS MSA.....        | 306 | 368  | 493  | 665  | 719  |    | Butler, Harvey, Sedgwick               |   |      |      |      |      |                                   |  |  |  |  |  |  |  |  |  |  |  |  |

## NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |                |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|
| Allen.....      | 255 | 288 | 370 | 477 | 531 | Anderson.....  | 255 | 288 | 370 | 477 | 531 |
| Atchison.....   | 255 | 288 | 370 | 477 | 569 | Barber.....    | 255 | 288 | 370 | 477 | 531 |
| Barton.....     | 255 | 288 | 370 | 477 | 531 | Bourbon.....   | 255 | 288 | 370 | 477 | 531 |
| Brown.....      | 255 | 288 | 370 | 477 | 531 | Chase.....     | 255 | 288 | 370 | 477 | 531 |
| Chautauqua..... | 255 | 288 | 370 | 477 | 531 | Cherokee.....  | 255 | 288 | 370 | 477 | 531 |
| Cheyenne.....   | 255 | 288 | 370 | 477 | 531 | Clark.....     | 255 | 288 | 370 | 477 | 531 |
| Clay.....       | 255 | 288 | 370 | 477 | 531 | Cloud.....     | 255 | 288 | 370 | 477 | 531 |
| Coffey.....     | 264 | 288 | 370 | 477 | 555 | Comanche.....  | 255 | 288 | 370 | 477 | 531 |
| Cowley.....     | 272 | 288 | 370 | 489 | 531 | Crawford.....  | 255 | 288 | 377 | 477 | 531 |
| Decatur.....    | 255 | 288 | 370 | 477 | 531 | Dickinson..... | 255 | 288 | 370 | 477 | 531 |
| Doniphan.....   | 255 | 288 | 370 | 477 | 531 | Edwards.....   | 255 | 288 | 370 | 477 | 531 |
| Elk.....        | 255 | 288 | 370 | 477 | 531 | Ellis.....     | 255 | 288 | 370 | 477 | 531 |
| Ellsworth.....  | 255 | 288 | 370 | 477 | 531 | Finney.....    | 314 | 336 | 430 | 599 | 707 |
| Ford.....       | 273 | 322 | 402 | 506 | 570 | Franklin.....  | 276 | 288 | 373 | 477 | 583 |
| Geary.....      | 313 | 329 | 411 | 531 | 576 | Gove.....      | 255 | 288 | 370 | 477 | 531 |
| Graham.....     | 255 | 288 | 370 | 477 | 531 | Grant.....     | 255 | 323 | 370 | 507 | 552 |
| Gray.....       | 255 | 288 | 370 | 477 | 531 | Greeley.....   | 255 | 288 | 370 | 477 | 531 |
| Greenwood.....  | 255 | 288 | 370 | 477 | 531 | Hamilton.....  | 255 | 288 | 370 | 477 | 531 |
| Harper.....     | 255 | 288 | 370 | 477 | 531 | Haskell.....   | 255 | 295 | 370 | 477 | 531 |
| Hodgeman.....   | 255 | 288 | 370 | 477 | 531 | Jackson.....   | 255 | 288 | 370 | 477 | 531 |
| Jefferson.....  | 255 | 288 | 377 | 500 | 531 | Jewell.....    | 255 | 288 | 370 | 477 | 531 |
| Kearny.....     | 283 | 288 | 381 | 512 | 562 | Kingman.....   | 255 | 288 | 370 | 477 | 531 |
| Kiowa.....      | 255 | 288 | 370 | 477 | 531 | Labette.....   | 255 | 288 | 370 | 477 | 531 |
| Lane.....       | 255 | 288 | 370 | 477 | 531 | Lincoln.....   | 255 | 288 | 370 | 477 | 531 |
| Linn.....       | 255 | 288 | 370 | 477 | 531 | Logan.....     | 255 | 288 | 370 | 477 | 531 |
| Lyon.....       | 255 | 288 | 370 | 477 | 566 | Mcpherson..... | 257 | 288 | 370 | 477 | 531 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## K A N S A S continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Marion.....              | 255 | 288  | 370  | 477  | 531  |    | Marshall.....            | 255 | 288  | 370  | 477  | 531  |    |
| Meade.....               | 255 | 288  | 370  | 477  | 531  |    | Mitchell.....            | 255 | 288  | 370  | 477  | 531  |    |
| Montgomery.....          | 255 | 288  | 370  | 477  | 531  |    | Morris.....              | 255 | 288  | 370  | 477  | 531  |    |
| Morton.....              | 255 | 310  | 370  | 477  | 531  |    | Nemaha.....              | 255 | 288  | 370  | 477  | 531  |    |
| Neosho.....              | 255 | 288  | 370  | 477  | 531  |    | Ness.....                | 255 | 288  | 370  | 477  | 531  |    |
| Norton.....              | 255 | 288  | 370  | 477  | 531  |    | Osage.....               | 255 | 288  | 370  | 477  | 531  |    |
| Osborne.....             | 255 | 288  | 370  | 477  | 532  |    | Ottawa.....              | 255 | 288  | 370  | 477  | 531  |    |
| Pawnee.....              | 255 | 288  | 370  | 477  | 531  |    | Phillips.....            | 255 | 288  | 370  | 477  | 531  |    |
| Pottawatomie.....        | 255 | 288  | 370  | 477  | 544  |    | Pratt.....               | 255 | 288  | 370  | 487  | 531  |    |
| Rawlins.....             | 255 | 288  | 370  | 477  | 531  |    | Reno.....                | 255 | 288  | 370  | 477  | 577  |    |
| Republic.....            | 255 | 288  | 370  | 477  | 531  |    | Rice.....                | 255 | 288  | 370  | 477  | 531  |    |
| Riley.....               | 315 | 347  | 462  | 578  | 701  |    | Rooks.....               | 255 | 288  | 370  | 477  | 531  |    |
| Rush.....                | 255 | 288  | 370  | 477  | 531  |    | Russell.....             | 255 | 288  | 370  | 477  | 531  |    |
| Saline.....              | 279 | 288  | 381  | 526  | 533  |    | Scott.....               | 255 | 288  | 370  | 487  | 559  |    |
| Seward.....              | 286 | 312  | 415  | 520  | 581  |    | Sheridan.....            | 255 | 288  | 370  | 477  | 531  |    |
| Sherman.....             | 255 | 288  | 370  | 477  | 531  |    | Smith.....               | 255 | 288  | 370  | 477  | 531  |    |
| Stafford.....            | 255 | 288  | 370  | 477  | 531  |    | Stanton.....             | 255 | 288  | 370  | 477  | 531  |    |
| Stevens.....             | 255 | 289  | 370  | 477  | 546  |    | Sumner.....              | 255 | 288  | 370  | 500  | 531  |    |
| Thomas.....              | 255 | 288  | 370  | 477  | 531  |    | Trego.....               | 255 | 288  | 370  | 477  | 531  |    |
| Wabaunsee.....           | 255 | 288  | 370  | 477  | 531  |    | Wallace.....             | 255 | 288  | 370  | 477  | 531  |    |
| Washington.....          | 255 | 288  | 370  | 477  | 531  |    | Wichita.....             | 255 | 288  | 381  | 477  | 593  |    |
| Wilson.....              | 255 | 288  | 370  | 477  | 531  |    | Woodson.....             | 255 | 288  | 370  | 477  | 531  |    |

## K E N T U C K Y

## METROPOLITAN FMR AREAS

|                                          | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                  |
|------------------------------------------|-----|------|------|------|------|----|----------------------------------------------------|
| Cincinnati, OH-KY-IN.....                | 289 | 372  | 498  | 667  | 720  |    | Boone, Campbell, Kenton                            |
| Clarksville-Hopkinsville, TN-KY MSA..... | 313 | 351  | 411  | 561  | 576  |    | Christian                                          |
| Evansville-Henderson, IN-KY MSA.....     | 255 | 312  | 405  | 507  | 567  |    | Henderson                                          |
| Gallatin County, KY.....                 | 242 | 330  | 404  | 506  | 662  |    | Gallatin                                           |
| Grant County, KY.....                    | 241 | 287  | 380  | 531  | 627  |    | Grant                                              |
| Huntington-Ashland, WV-KY-OH MSA.....    | 261 | 306  | 377  | 481  | 529  |    | Boyd, Carter, Greenup                              |
| Lexington, KY MSA.....                   | 309 | 382  | 471  | 642  | 726  |    | Bourbon, Clark, Fayette, Jessamine, Madison, Scott |
|                                          |     |      |      |      |      |    | Woodford                                           |
| Louisville, KY-IN MSA.....               | 293 | 377  | 461  | 638  | 673  |    | Bullitt, Jefferson, Oldham                         |
| Owensboro, KY MSA.....                   | 276 | 286  | 377  | 506  | 529  |    | Davless                                            |
| Pendleton County, KY.....                | 243 | 281  | 375  | 471  | 527  |    | Pendleton                                          |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O8Q895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 18

## K E N T U C K Y continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1            | BR 2 | BR 3 | BR 4 |     |     |
| Adair.....               | 238  | 291  | 343  | 454  | 498                      | Allen.....      | 238  | 277  | 343  | 443 | 498 |
| Anderson.....            | 262  | 277  | 359  | 448  | 503                      | Ballard.....    | 238  | 277  | 343  | 443 | 498 |
| Barren.....              | 238  | 288  | 343  | 443  | 498                      | Bath.....       | 238  | 277  | 343  | 443 | 498 |
| Bell.....                | 238  | 277  | 346  | 443  | 498                      | Boyle.....      | 283  | 287  | 383  | 479 | 536 |
| Bracken.....             | 238  | 277  | 343  | 443  | 498                      | Breathitt.....  | 238  | 277  | 343  | 443 | 498 |
| Breckinridge.....        | 238  | 277  | 343  | 443  | 498                      | Butler.....     | 238  | 277  | 343  | 443 | 498 |
| Caldwell.....            | 238  | 277  | 343  | 443  | 498                      | Calloway.....   | 238  | 277  | 343  | 443 | 498 |
| Carlisle.....            | 238  | 277  | 343  | 443  | 498                      | Carroll.....    | 238  | 277  | 343  | 443 | 498 |
| Casey.....               | 238  | 277  | 343  | 443  | 498                      | Clay.....       | 238  | 277  | 343  | 443 | 498 |
| Clinton.....             | 238  | 277  | 343  | 443  | 498                      | Crittenden..... | 238  | 277  | 343  | 443 | 498 |
| Cumberland.....          | 238  | 277  | 343  | 443  | 498                      | Edmonson.....   | 238  | 277  | 343  | 443 | 498 |
| Elliott.....             | 238  | 277  | 343  | 443  | 498                      | Estill.....     | 238  | 277  | 343  | 443 | 498 |
| Fleming.....             | 238  | 277  | 343  | 443  | 498                      | Floyd.....      | 251  | 304  | 343  | 476 | 547 |
| Franklin.....            | 238  | 349  | 429  | 554  | 700                      | Fulton.....     | 238  | 277  | 343  | 443 | 498 |
| Garrard.....             | 238  | 277  | 343  | 443  | 498                      | Graves.....     | 238  | 277  | 343  | 443 | 498 |
| Grayson.....             | 238  | 277  | 343  | 443  | 498                      | Green.....      | 238  | 277  | 343  | 443 | 498 |
| Hancock.....             | 238  | 277  | 343  | 447  | 531                      | Hardin.....     | 296  | 303  | 380  | 511 | 606 |
| Harlan.....              | 238  | 361  | 412  | 537  | 634                      | Harrison.....   | 238  | 278  | 351  | 443 | 543 |
| Hart.....                | 238  | 277  | 343  | 443  | 498                      | Henry.....      | 238  | 277  | 343  | 443 | 498 |
| Hickman.....             | 238  | 277  | 343  | 443  | 498                      | Hopkins.....    | 238  | 277  | 343  | 443 | 503 |
| Jackson.....             | 238  | 277  | 343  | 443  | 498                      | Johnson.....    | 238  | 277  | 343  | 443 | 498 |
| Knott.....               | 238  | 277  | 343  | 443  | 498                      | Knox.....       | 238  | 329  | 421  | 528 | 647 |
| Larue.....               | 238  | 277  | 343  | 443  | 498                      | Laurel.....     | 310  | 350  | 416  | 561 | 581 |
| Lawrence.....            | 238  | 277  | 343  | 443  | 498                      | Lee.....        | 238  | 277  | 343  | 443 | 498 |
| Leslie.....              | 238  | 277  | 343  | 443  | 498                      | Letcher.....    | 238  | 277  | 343  | 443 | 498 |
| Lewis.....               | 238  | 277  | 343  | 443  | 498                      | Lincoln.....    | 238  | 277  | 343  | 443 | 498 |
| Livingston.....          | 274  | 277  | 370  | 514  | 518                      | Logan.....      | 238  | 277  | 343  | 452 | 498 |
| Lyon.....                | 238  | 277  | 343  | 443  | 498                      | McCracken.....  | 269  | 290  | 362  | 464 | 595 |
| McCreary.....            | 238  | 277  | 343  | 443  | 498                      | McLean.....     | 238  | 277  | 343  | 443 | 498 |
| Magoffin.....            | 238  | 277  | 343  | 443  | 498                      | Marion.....     | 238  | 277  | 343  | 443 | 498 |
| Marshall.....            | 238  | 283  | 343  | 443  | 533                      | Martin.....     | 238  | 277  | 343  | 443 | 498 |
| Mason.....               | 238  | 277  | 343  | 443  | 498                      | Meade.....      | 246  | 305  | 351  | 465 | 578 |
| Menifee.....             | 238  | 277  | 343  | 443  | 498                      | Mercer.....     | 238  | 277  | 343  | 452 | 498 |
| Metcalfe.....            | 238  | 277  | 343  | 443  | 498                      | Monroe.....     | 238  | 277  | 343  | 443 | 498 |
| Montgomery.....          | 238  | 277  | 343  | 443  | 498                      | Morgan.....     | 238  | 277  | 343  | 443 | 498 |
| Muhlenberg.....          | 238  | 277  | 343  | 443  | 498                      | Nelson.....     | 261  | 277  | 353  | 443 | 498 |
| Nicholas.....            | 238  | 277  | 343  | 443  | 498                      | Ohio.....       | 238  | 277  | 343  | 443 | 498 |
| Owen.....                | 238  | 277  | 343  | 443  | 511                      | Owsley.....     | 238  | 277  | 343  | 443 | 498 |
| Perry.....               | 266  | 277  | 357  | 446  | 500                      | Pike.....       | 255  | 292  | 353  | 443 | 524 |
| Powell.....              | 238  | 277  | 343  | 443  | 498                      | Pulaski.....    | 261  | 277  | 351  | 444 | 498 |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 19

## K E N T U C K Y continued

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Robertson.....           | 238  | 277  | 343  | 443  | 498 | Rockcastle.....          | 238  | 277  | 343  | 443  | 498 |
| Rowan.....               | 238  | 277  | 343  | 443  | 518 | Russell.....             | 238  | 277  | 343  | 443  | 498 |
| Shelby.....              | 239  | 314  | 351  | 490  | 498 | Simpson.....             | 238  | 298  | 347  | 444  | 498 |
| Spencer.....             | 238  | 283  | 343  | 443  | 498 | Taylor.....              | 287  | 339  | 380  | 508  | 574 |
| Todd.....                | 238  | 277  | 343  | 443  | 498 | Trigg.....               | 238  | 277  | 343  | 443  | 498 |
| Trimble.....             | 238  | 277  | 343  | 443  | 498 | Union.....               | 238  | 277  | 343  | 443  | 498 |
| Warren.....              | 238  | 307  | 411  | 513  | 593 | Washington.....          | 238  | 281  | 343  | 443  | 498 |
| Wayne.....               | 238  | 277  | 343  | 443  | 498 | Webster.....             | 238  | 277  | 343  | 443  | 498 |
| Whitley.....             | 238  | 277  | 343  | 443  | 498 | Wolfe.....               | 238  | 277  | 343  | 443  | 498 |

## L O U I S I A N A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                           |
|--------------------------------------|-----|-----|-----|-----|-----|-----------------------------------------------------------|
| Alexandria, LA MSA.....              | 260 | 325 | 409 | 566 | 576 | Rapides                                                   |
| Acadia Parishes, LA.....             | 254 | 284 | 340 | 445 | 497 | Acadia                                                    |
| Baton Rouge, LA MSA.....             | 282 | 351 | 435 | 604 | 713 | Ascension, East Baton Rouge, Livingston, West Baton Rouge |
| Houma, LA MSA.....                   | 254 | 301 | 385 | 535 | 633 | Lafourche, Terrebonne                                     |
| Lafayette, LA MSA.....               | 291 | 336 | 401 | 551 | 652 | Lafayette, St. Martin                                     |
| Lake Charles, LA MSA.....            | 286 | 333 | 422 | 553 | 692 | Calcasieu                                                 |
| Monroe, LA MSA.....                  | 281 | 315 | 420 | 567 | 589 | Ouachita                                                  |
| New Orleans, LA.....                 | 337 | 386 | 482 | 656 | 793 | Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles |
| St. James Parish, LA.....            | 251 | 289 | 385 | 481 | 539 | St. John the Baptist, St. Tammany                         |
| St. Landry Parish, LA.....           | 254 | 277 | 340 | 445 | 497 | St. James                                                 |
| Shreveport-Bossier City, LA MSA..... | 317 | 360 | 453 | 606 | 743 | Bossier, Caddo, Webster                                   |

## NONMETROPOLITAN COUNTIES

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Allen.....               | 256 | 279  | 343  | 449  | 501  |    | Assumption.....          | 281 | 301  | 357  | 449  | 501  |    |
| Avoyelles.....           | 256 | 279  | 343  | 449  | 503  |    | Beauregard.....          | 312 | 340  | 403  | 527  | 579  |    |
| Bienville.....           | 256 | 279  | 343  | 455  | 538  |    | Caldwell.....            | 256 | 279  | 343  | 449  | 501  |    |
| Cameron.....             | 256 | 279  | 343  | 449  | 501  |    | Catahoula.....           | 256 | 279  | 343  | 449  | 501  |    |
| Claiborne.....           | 256 | 279  | 343  | 449  | 501  |    | Concordia.....           | 256 | 279  | 343  | 449  | 501  |    |
| De Soto.....             | 256 | 279  | 343  | 449  | 505  |    | East Carroll.....        | 256 | 279  | 343  | 449  | 501  |    |
| East Feliciana.....      | 256 | 279  | 343  | 449  | 501  |    | Evangeline.....          | 256 | 279  | 343  | 449  | 501  |    |
| Franklin.....            | 256 | 279  | 343  | 449  | 505  |    | Grant.....               | 256 | 279  | 343  | 449  | 501  |    |
| Iberia.....              | 271 | 283  | 350  | 449  | 501  |    | Iberville.....           | 256 | 279  | 343  | 449  | 517  |    |
| Jackson.....             | 256 | 279  | 343  | 449  | 501  |    | Jefferson Davis.....     | 256 | 279  | 343  | 449  | 509  |    |
| La Salle.....            | 256 | 279  | 343  | 449  | 505  |    | Lincoln.....             | 301 | 303  | 379  | 520  | 622  |    |
| Madison.....             | 256 | 279  | 343  | 449  | 501  |    | Morehouse.....           | 256 | 279  | 343  | 449  | 501  |    |
| Natchitoches.....        | 274 | 281  | 362  | 502  | 505  |    | Pointe Coupee.....       | 256 | 279  | 343  | 449  | 544  |    |
| Red River.....           | 256 | 279  | 343  | 449  | 505  |    | Richland.....            | 256 | 279  | 343  | 449  | 505  |    |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## L O U I S I A N A continued

| NONMETROPOLITAN COUNTIES              |     |     |     |     | O   | BR 1            | BR 2 | BR 3 | BR 4 | BR  | NONMETROPOLITAN COUNTIES               |                 |     |     |      | O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | BR 1 | BR 2       | BR 3 | BR 4 | BR  |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
|---------------------------------------|-----|-----|-----|-----|-----|-----------------|------|------|------|-----|----------------------------------------|-----------------|-----|-----|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------|------|------|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-------------------|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|-----|
| Sabine.....                           | 256 | 286 | 343 | 449 | 528 | St. Helena..... | 256  | 279  | 343  | 449 | 501                                    | Tangipahoa..... | 275 | 286 | 367  | 481                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 513  | Union..... | 256  | 279  | 343 | 449 | 505 | Vernon..... | 294 | 328 | 374 | 483 | 571 | West Carroll..... | 256 | 279 | 343 | 449 | 501 | Winn..... | 256 | 279 | 343 | 449 | 501 |
| St. Mary.....                         | 281 | 300 | 378 | 515 | 536 |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Tensas.....                           | 256 | 279 | 343 | 449 | 501 |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Vermilion.....                        | 256 | 279 | 343 | 449 | 501 |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Washington.....                       | 256 | 279 | 343 | 449 | 501 |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| West Feliciana.....                   | 256 | 333 | 446 | 558 | 626 |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| M A I N E                             |     |     |     |     |     |                 |      |      |      |     |                                        |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| METROPOLITAN FMR AREAS                |     |     |     |     |     |                 |      |      |      |     | Components of FMR AREA within STATE    |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Bangor, ME MSA.....                   |     |     |     |     |     |                 |      |      |      |     | 336                                    | 411             | 526 | 686 | 737  | Penobscot county towns of Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Millford town, Old Town city, Orono town, Orrington town, Penobscot Indian I, Veazie town, Waldo county towns of Winterville town, Androscoggin county towns of Auburn city, Greene town, Lewiston city, Lisbon town, Mechanic Falls town, Poland town, Sabattus town, Turner town, Wales town, Cumberland county towns of Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town, York county towns of Buxton town, Hollis town, Limington town, Old Orchard Beach, York county towns of Berwick town, Eliot town, Kittery town, South Berwick town, York town |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Lewiston-Auburn, ME MSA.....          |     |     |     |     |     |                 |      |      |      |     | 302                                    | 373             | 480 | 600 | 672  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Portland, ME MSA.....                 |     |     |     |     |     |                 |      |      |      |     | 399                                    | 514             | 676 | 846 | 948  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Portsmouth-Rochester, NH-ME PMSA..... |     |     |     |     |     |                 |      |      |      |     | 433                                    | 520             | 668 | 855 | 1049 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| NONMETROPOLITAN COUNTIES              |     |     |     |     |     |                 |      |      |      |     | Towns within non metropolitan counties |                 |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Androscoggin.....                     |     |     |     |     |     |                 |      |      |      |     | 303                                    | 373             | 496 | 621 | 695  | Durham town, Leeds town, Livermore town, Livermore Falls to, Minot town                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Aroostook.....                        |     |     |     |     |     |                 |      |      |      |     | 303                                    | 355             | 455 | 580 | 667  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Cumberland.....                       |     |     |     |     |     |                 |      |      |      |     | 443                                    | 451             | 601 | 818 | 938  | Baldwin town, Bridgton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Franklin.....                         |     |     |     |     |     |                 |      |      |      |     | 309                                    | 355             | 455 | 580 | 667  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Hancock.....                          |     |     |     |     |     |                 |      |      |      |     | 326                                    | 400             | 494 | 623 | 692  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Kennebec.....                         |     |     |     |     |     |                 |      |      |      |     | 315                                    | 393             | 473 | 592 | 667  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Knox.....                             |     |     |     |     |     |                 |      |      |      |     | 303                                    | 390             | 506 | 674 | 710  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Lincoln.....                          |     |     |     |     |     |                 |      |      |      |     | 394                                    | 438             | 498 | 693 | 818  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |
| Oxford.....                           |     |     |     |     |     |                 |      |      |      |     | 303                                    | 355             | 455 | 580 | 667  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |            |      |      |     |     |     |             |     |     |     |     |     |                   |     |     |     |     |     |           |     |     |     |     |     |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 21

## M A I N E continued

## NONMETROPOLITAN COUNTIES

## Towns within non metropolitan counties

|                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|----------------|-----|------|------|------|------|----|
| Penobscot..... | 303 | 355  | 455  | 580  | 667  |    |

Alton town, Argyle unorg., Bradford town, Bradley town  
Burlington town, Carmel town, Carroll plantation  
Charleston town, Chester town, Clifton town  
Corinna town, Corinth town, Dexter town, Dixmont town  
Drew plantation, East Central Penob, East Millinocket t  
Edinburg town, Enfield town, Etna town, Exeter town  
Garland town, Greenbush town, Greenfield town  
Howland town, Hudson town, Kingman unorg., Lagrange town  
Lakeville town, Lee town, Levant town, Lincoln town  
Lowell town, Mattawamkeag town, Maxfield town  
Medway town, Millinocket town, Mount Chase town  
Newburgh town, Newport town, North Penobscot un  
Passadumkeag town, Patten town, Plymouth town  
Prentiss plantation, Sebobeis plantation, Springfield town  
Stacyville town, Stetson town, Twombly unorg.  
Webster plantation, Whitney unorg., Winn town  
Woodville town

|                  |     |     |     |     |     |  |
|------------------|-----|-----|-----|-----|-----|--|
| Piscataquis..... | 303 | 355 | 455 | 580 | 667 |  |
| Sagadahoc.....   | 426 | 488 | 601 | 800 | 987 |  |
| Somerset.....    | 317 | 362 | 455 | 580 | 684 |  |
| Waldo.....       | 303 | 355 | 455 | 580 | 667 |  |

Belfast city, Belmont town, Brooks town, Burnham town  
Frankfort town, Freedom town, Islesboro town  
Jackson town, Knox town, Liberty town, Lincolnville town  
Monroe town, Montville town, Morrill town  
Northport town, Palermo town, Prospect town  
Seasmont town, Searsport town, Stockton Springs t  
Svanville town, Thorndike town, Troy town, Unity town  
Waldo town

|                 |     |     |     |     |     |  |
|-----------------|-----|-----|-----|-----|-----|--|
| Washington..... | 303 | 355 | 455 | 580 | 667 |  |
| York.....       | 373 | 428 | 574 | 717 | 802 |  |

Acton town, Alfred town, Arundel town, Biddeford city  
Cornish town, Dayton town, Kennebunk town  
Kennebunkport town, Lebanon town, Limerick town  
Lyman town, Newfield town, North Berwick town  
Ogunquit town, Parsonsfield town, Saco city  
Sanford town, Shapleigh town, Waterboro town, Wells town

## M A R Y L A N D

## METROPOLITAN FMR AREAS

## Counties of FMR AREA within STATE

|                            | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|----------------------------|-----|------|------|------|------|----|
| Baltimore, MD.....         | 401 | 491  | 599  | 792  | 906  |    |
| Columbia, MD.....          | 532 | 715  | 832  | 1100 | 1375 |    |
| Cumberland, MD-WV MSA..... | 314 | 378  | 464  | 617  | 705  |    |
| Hagerstown, MD PMSA.....   | 309 | 373  | 458  | 608  | 696  |    |
| Washington, DC-MD-VA.....  | 569 | 646  | 759  | 1033 | 1245 |    |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M A R Y L A N D continued

## METROPOLITAN FMR AREAS

|                                    | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR    | Counties of FMR AREA within STATE |
|------------------------------------|-----|------|------|------|------|-------|-----------------------------------|
| Wilmington-Newark, DE-MD PMSA..... | 409 | 541  | 630  | 856  | 1033 | Cecil |                                   |

## NONMETROPOLITAN COUNTIES

|                 | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|-----------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Caroline.....   | 350 | 377  | 472  | 619  | 703  |    | Dorchester.....          | 313 | 405  | 472  | 615  | 703  |    |
| Garrett.....    | 313 | 420  | 472  | 615  | 775  |    | Kent.....                | 317 | 390  | 520  | 650  | 784  |    |
| St. Mary's..... | 478 | 567  | 654  | 911  | 1042 |    | Somerset.....            | 372 | 419  | 472  | 655  | 774  |    |
| Talbot.....     | 414 | 438  | 585  | 732  | 959  |    | Wicomico.....            | 352 | 408  | 525  | 668  | 735  |    |
| Worcester.....  | 313 | 377  | 473  | 657  | 703  |    |                          |     |      |      |      |      |    |

## M A S S A C H U S E T T S

## METROPOLITAN FMR AREAS

|                                  | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Components of FMR AREA within STATE                                                                                                                                        |
|----------------------------------|-----|------|------|------|------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Barnstable-Yarmouth, MA MSA..... | 450 | 603  | 805  | 1008 | 1128 |    | Barnstable county towns of Barnstable town, Brewster town, Chatham town, Dennis town, Eastham town, Harwich town, Mashpee town, Orleans town, Sandwich town, Yarmouth town |
| Boston, MA-NH PMSA.....          | 532 | 599  | 750  | 938  | 1101 |    | Bristol county towns of Berkley town, Dighton town, Mansfield town, Norton town, Taunton city                                                                              |

|  |  |  |  |  |  |  |                                                                                                                                                                                                                                                                                                                                                                                      |
|--|--|--|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  |  |  |  | Essex county towns of Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town |
|--|--|--|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |  |  |  |  |  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|--|--|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  |  |  |  | Middlesex county towns of Acton town, Arlington town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city |
|  |  |  |  |  |  |  | Norfolk county towns of Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town                                                                                                                                                                                                                                                                                                                                                |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 23

## MASSACHUSETTS continued

## METROPOLITAN FMR AREAS

0 BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

|                                                |     |     |     |     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|-----|-----|-----|-----|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                |     |     |     |     |      | Stoughton town, Walpole town, Wellesley town<br>Westwood town, Weymouth town, Wrentham town<br>Plymouth county towns of Carver town, Duxbury town<br>Haver town, Hingham town, Hull town, Kingston town<br>Marshfield town, Norwell town, Pembroke town<br>Plymouth town, Rockland town, Scituate town<br>Wareham town<br>Suffolk county towns of Boston city, Chelsea city<br>Revere city, Winthrop town<br>Worcester county towns of Berlin town, Blackstone town<br>Bolton town, Harvard town, Hopedale town, Lancaster town<br>Mendon town, Milford town, Millville town<br>Southborough town, Upton town<br>Bristol county towns of Easton town, Raynham town<br>Norfolk county towns of Avon town<br>Plymouth county towns of Abington town, Bridgewater town<br>Brockton city, East Bridgewater t, Halifax town<br>Hanson town, Lakeville town, Middleborough town<br>Plympton town, West Bridgewater t, Whitman town<br>Middlesex county towns of Ashby town<br>Worcester county towns of Ashburnham town, Fitchburg city<br>Gardner city, Leominster city, Lunenburg town<br>Templeton town, Westminster town, Winchendon town<br>Essex county towns of Andover town, Boxford town<br>Georgetown town, Groveland town, Haverhill city<br>Lawrence city, Merrimac town, Methuen town<br>North Andover town, West Newbury town<br>Middlesex county towns of Billerica town, Chelmsford town<br>Dracut town, Dunstable town, Groton town, Lowell city<br>Pepperell town, Tewksbury town, Tyngsborough town<br>Westford town<br>Bristol county towns of Acushnet town, Dartmouth town<br>Fairhaven town, Freetown town, New Bedford city<br>Plymouth county towns of Marion town, Mattapoisett town<br>Rochester town<br>Berkshire county towns of Adams town, Cheshire town<br>Dalton town, Hinsdale town, Lanesborough town, Lee town<br>Lenox town, Pittsfield city, Richmond town<br>Stockbridge town<br>Bristol county towns of Attleboro city, Fall River city<br>North Attleborough, Rehoboth town, Seekonk town<br>Somerset town, Swansea town, Westport town<br>Franklin county towns of Sunderland town<br>Hampden county towns of Agawam town, Chicopee city<br>East Longmeadow to, Hampden town, Holyoke city<br>Longmeadow town, Ludlow town, Monson town<br>Montgomery town, Palmer town, Russell town |
| Brockton, MA PMSA.....                         | 420 | 554 | 679 | 846 | 963  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fitchburg-Leominster, MA MSA.....              | 303 | 426 | 552 | 711 | 773  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Lawrence, MA-NH PMSA.....                      | 433 | 522 | 656 | 820 | 1010 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Lowell, MA-NH PMSA.....                        | 425 | 549 | 664 | 831 | 930  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| New Bedford, MA MSA.....                       | 407 | 498 | 566 | 707 | 793  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Pittsfield, MA MSA.....                        | 327 | 464 | 573 | 718 | 890  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Providence-Fall River-Warwick, RI-MA PMSA..... | 393 | 534 | 642 | 805 | 992  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Springfield, MA MSA.....                       | 386 | 476 | 602 | 752 | 923  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 24

## M A S A C H U S E T T S continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR

Components of FMR AREA within STATE

|                       |     |     |     |     |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-----|-----|-----|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Worcester, MA-CT..... | 455 | 551 | 689 | 859 | 963 | Southwick town, Springfield city, Westfield city<br>West Springfield t, Wilbraham town<br>Hampshire county towns of Amherst town, Belchertown town<br>Easthampton town, Granby town, Hadley town<br>Hatfield town, Huntington town, Northampton city<br>Southampton town, South Hadley town, Ware town<br>Williamsburg town<br>Hampden county towns of Holland town<br>Worcester county towns of Auburn town, Barre town<br>Boylston town, Brookfield town, Charlton town<br>Clinton town, Douglas town, Dudley town<br>East Brookfield to, Grafton town, Holden town<br>Leicester town, Millbury town, Northborough town<br>Northbridge town, North Brookfield t, Oakham town<br>Oxford town, Paxton town, Princeton town, Rutland town<br>Shrewsbury town, Southbridge town, Spencer town<br>Sterling town, Sturbridge town, Sutton town<br>Uxbridge town, Webster town, Westborough town<br>West Boylston town, West Brookfield to, Worcester city |
|-----------------------|-----|-----|-----|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## NONMETROPOLITAN COUNTIES

Towns within non metropolitan counties

O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |      |      |      |                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------|-----|-----|------|------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Barnstable..... | 426 | 585 | 779  | 974  | 1090 | Bourne town, Falmouth town, Provincetown town<br>Truro town, Wellfleet town                                                                                                                                                                                                                                                                                               |
| Berkshire.....  | 359 | 436 | 514  | 706  | 845  | Alford town, Becket town, Clarksburg town, Egremont town<br>Florida town, Great Barrington t, Hancock town<br>Monterey town, Mount Washington t, New Ashford town<br>New Marlborough to, North Adams city, Otis town<br>Peru town, Sandisfield town, Savoy town, Sheffield town<br>Tyringham town, Washington town, West Stockbridge t<br>Williamstown town, Windsor town |
| Dukes.....      | 577 | 586 | 780  | 975  | 1093 | Ashfield town, Barnardston town, Buckland town                                                                                                                                                                                                                                                                                                                            |
| Franklin.....   | 387 | 480 | 614  | 768  | 927  | Charlemont town, Colrain town, Conway town<br>Deerfield town, Erving town, Gill town, Greenfield town<br>Hawley town, Heath town, Leverett town, Leyden town<br>Monroe town, Montague town, New Salem town<br>Northfield town, Orange town, Rowe town, Shelburne town<br>Shutesbury town, Warwick town, Wendell town<br>Whately town                                      |
| Hampden.....    | 391 | 532 | 710  | 945  | 1166 | Blandford town, Brimfield town, Chester town<br>Granville town, Tolland town, Wales town                                                                                                                                                                                                                                                                                  |
| Hampshire.....  | 547 | 554 | 741  | 926  | 1038 | Chesterfield town, Cummington town, Goshen town<br>Middlefield town, Pelham town, Plainfield town<br>Westhampton town, Worthington town                                                                                                                                                                                                                                   |
| Nantucket.....  | 692 | 926 | 1236 | 1545 | 1731 | Athol town, Hardwick town, Hubbardston town                                                                                                                                                                                                                                                                                                                               |
| Worcester.....  | 435 | 454 | 605  | 757  | 847  |                                                                                                                                                                                                                                                                                                                                                                           |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A S S A C H U S E T T S continued

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

New Braintree town, Petersham town, Phillipston town  
Royalston town, Warren town

## M I C H I G A N

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Ann Arbor, MI PMSA..... 434 526 649 851 954 Lenawee, Livingston, Washtenaw  
 Benton Harbor, MI MSA..... 351 355 466 583 655 Berrien  
 Detroit, MI PMSA..... 340 463 559 699 784 Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne  
 Flint, MI PMSA..... 328 374 467 598 654 Genesee  
 Grand Rapids-Muskegon-Holland, MI MSA..... 368 430 525 658 735 Allegan, Kent, Muskegon, Ottawa  
 Jackson, MI MSA..... 277 372 471 589 661 Jackson  
 Kalamazoo-Battle Creek, MI MSA..... 327 394 497 622 695 Calhoun, Kalamazoo, Van Buren  
 Lansing-East Lansing, MI MSA..... 349 410 529 691 799 Clinton, Eaton, Ingham  
 Saginaw-Bay City-Midland, MI MSA..... 321 354 471 589 661 Bay, Midland, Saginaw

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Alcona..... 273 310 394 511 584 Alger..... 273 310 394 511 584  
 Alpena..... 273 310 394 511 584 Antrim..... 273 326 394 511 584  
 Arenac..... 273 310 394 511 584 Baraga..... 273 310 394 511 584  
 Barry..... 273 336 448 561 628 Benzie..... 285 310 394 529 584  
 Branch..... 315 323 397 542 584 Cass..... 273 310 396 540 584  
 Charlevoix..... 331 335 424 577 597 Cheboygan..... 287 310 394 511 598  
 Chippewa..... 273 310 394 511 584 Clare..... 283 310 394 511 584  
 Crawford..... 298 310 402 549 584 Delta..... 273 310 394 511 584  
 Dickinson..... 273 335 413 516 584 Emmet..... 304 365 431 565 602  
 Gladwin..... 273 310 394 511 584 Gogebic..... 273 310 394 511 584  
 Grand Traverse..... 361 386 515 645 722 Gratiot..... 285 310 394 511 584  
 Hillsdale..... 273 310 394 511 584 Houghton..... 273 310 394 511 584  
 Huron..... 273 310 394 511 584 Ionia..... 334 338 423 528 593  
 Iosco..... 273 310 394 511 617 Iron..... 273 310 394 511 584  
 Isabella..... 304 325 435 587 713 Kalkaska..... 273 310 395 513 649  
 Keweenaw..... 273 310 394 511 584 Lake..... 276 310 394 511 584  
 Leelanau..... 369 400 467 611 766 Luce..... 273 310 394 511 584  
 Mackinac..... 273 310 394 511 584 Manistee..... 273 310 394 511 584  
 Marquette..... 273 310 394 511 584 Mason..... 273 310 394 511 584  
 Mecosta..... 273 310 394 533 632 Menominee..... 273 310 394 511 584  
 Missaukee..... 287 310 394 511 584 Montcalm..... 277 310 394 511 584  
 Montmorency..... 273 310 394 511 584 Newaygo..... 313 336 395 511 584  
 Oceana..... 291 310 394 511 584 Ogemaw..... 284 311 394 511 584

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I C H I G A N continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Ontonagon.....           | 273 | 310  | 394  | 511  | 584  |    | Osceola.....             | 273 | 310  | 394  | 511  | 584  |    |
| Oscoda.....              | 273 | 310  | 394  | 511  | 584  |    | Otsego.....              | 280 | 338  | 426  | 592  | 687  |    |
| Presque Isle.....        | 273 | 310  | 394  | 511  | 584  |    | Roscommon.....           | 301 | 310  | 394  | 511  | 584  |    |
| St. Joseph.....          | 273 | 317  | 394  | 513  | 584  |    | Sanilac.....             | 273 | 320  | 394  | 513  | 584  |    |
| Schoolcraft.....         | 273 | 310  | 394  | 511  | 584  |    | Shiawassee.....          | 273 | 342  | 412  | 573  | 614  |    |
| Tuscola.....             | 296 | 323  | 431  | 538  | 602  |    | Wexford.....             | 273 | 314  | 408  | 534  | 632  |    |

## M I N N E S O T A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                      |     |     |     |     |     |                                                          |
|--------------------------------------|-----|-----|-----|-----|-----|----------------------------------------------------------|
| Duluth-Superior, MN-WI MSA.....      | 254 | 335 | 431 | 574 | 669 | St. Louis                                                |
| Fargo-Moorhead, ND-MN MSA.....       | 295 | 407 | 491 | 681 | 729 | Clay                                                     |
| Grand Forks, ND-MN MSA.....          | 305 | 364 | 478 | 660 | 736 | Polk                                                     |
| La Crosse, WI-MN MSA.....            | 263 | 340 | 433 | 578 | 701 | Houston                                                  |
| Minneapolis-St. Paul, MN-WI MSA..... | 369 | 474 | 605 | 820 | 928 | Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey |
| Rochester, MN MSA.....               | 292 | 408 | 533 | 739 | 829 | Scott, Sherburne, Washington, Wright                     |
| St. Cloud, MN MSA.....               | 317 | 409 | 483 | 612 | 779 | Benton, Stearns                                          |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                  |     |     |     |     |     |                        |     |     |     |     |     |
|------------------|-----|-----|-----|-----|-----|------------------------|-----|-----|-----|-----|-----|
| Aitkin.....      | 253 | 328 | 438 | 548 | 613 | Becker.....            | 250 | 359 | 403 | 504 | 565 |
| Beltrami.....    | 250 | 320 | 428 | 561 | 599 | Big Stone.....         | 250 | 304 | 386 | 484 | 553 |
| Blue Earth.....  | 307 | 371 | 462 | 592 | 752 | Brown.....             | 250 | 323 | 386 | 484 | 553 |
| Carlton.....     | 250 | 304 | 386 | 484 | 553 | Cass.....              | 250 | 304 | 386 | 484 | 553 |
| Chippewa.....    | 250 | 304 | 386 | 484 | 553 | Clearwater.....        | 250 | 304 | 386 | 484 | 553 |
| Cook.....        | 296 | 304 | 398 | 543 | 565 | Cottonwood.....        | 250 | 304 | 386 | 484 | 553 |
| Crow Wing.....   | 250 | 304 | 406 | 508 | 638 | Dodge.....             | 250 | 304 | 386 | 484 | 553 |
| Douglas.....     | 250 | 304 | 386 | 484 | 553 | Faribault.....         | 250 | 304 | 386 | 484 | 553 |
| Fillmore.....    | 250 | 304 | 386 | 484 | 553 | Freeborn.....          | 250 | 304 | 394 | 518 | 555 |
| Goodhue.....     | 250 | 322 | 430 | 548 | 602 | Grant.....             | 250 | 304 | 386 | 484 | 553 |
| Hubbard.....     | 255 | 304 | 386 | 484 | 553 | Itasca.....            | 320 | 324 | 422 | 528 | 591 |
| Jackson.....     | 250 | 304 | 386 | 484 | 553 | Kanabec.....           | 250 | 314 | 408 | 509 | 571 |
| Kandiyohi.....   | 250 | 317 | 386 | 484 | 582 | Kittson.....           | 250 | 304 | 386 | 484 | 553 |
| Koochiching..... | 302 | 308 | 410 | 511 | 671 | Lac qui Parle.....     | 250 | 304 | 386 | 484 | 553 |
| Lake.....        | 250 | 304 | 386 | 484 | 553 | Lake of the Woods..... | 250 | 304 | 386 | 484 | 553 |
| Le Sueur.....    | 250 | 304 | 386 | 484 | 596 | Lincoln.....           | 250 | 304 | 386 | 484 | 553 |
| Lyon.....        | 250 | 304 | 386 | 484 | 573 | McLeod.....            | 250 | 323 | 430 | 535 | 600 |
| Mahnomen.....    | 250 | 304 | 386 | 484 | 553 | Marshall.....          | 250 | 304 | 386 | 484 | 553 |
| Martin.....      | 250 | 304 | 386 | 484 | 553 | Meeker.....            | 259 | 304 | 386 | 484 | 553 |
| Millie Lacs..... | 266 | 304 | 387 | 539 | 635 | Morrison.....          | 278 | 304 | 386 | 484 | 553 |
| Mower.....       | 250 | 304 | 386 | 484 | 553 | Murray.....            | 250 | 304 | 386 | 484 | 553 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## MISSISSIPPI

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |      |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR                       | O               | BR 1 | BR 2 | BR 3 | BR 4 |
| Nicollet.....            | 313  | 335  | 447  | 591  | 626                      | Nobles.....     | 250  | 304  | 386  | 484  |
| Norman.....              | 250  | 304  | 386  | 484  | 553                      | Otter Tail..... | 250  | 304  | 386  | 484  |
| Pennington.....          | 250  | 304  | 386  | 516  | 553                      | Pine.....       | 277  | 304  | 386  | 487  |
| Pipestone.....           | 250  | 304  | 386  | 484  | 553                      | Pope.....       | 250  | 304  | 386  | 484  |
| Red Lake.....            | 250  | 315  | 386  | 484  | 553                      | Redwood.....    | 250  | 304  | 386  | 484  |
| Renville.....            | 250  | 304  | 386  | 484  | 553                      | Rice.....       | 262  | 358  | 477  | 596  |
| Rock.....                | 250  | 304  | 386  | 484  | 553                      | Roseau.....     | 302  | 308  | 404  | 521  |
| Sibley.....              | 250  | 304  | 386  | 484  | 553                      | Steele.....     | 270  | 312  | 416  | 520  |
| Stevens.....             | 285  | 360  | 406  | 508  | 569                      | Swift.....      | 250  | 304  | 386  | 484  |
| Todd.....                | 250  | 304  | 386  | 484  | 553                      | Traverse.....   | 250  | 304  | 386  | 484  |
| Wabasha.....             | 250  | 304  | 386  | 484  | 553                      | Wadena.....     | 250  | 304  | 386  | 484  |
| Waseca.....              | 277  | 304  | 386  | 484  | 553                      | Watsonwan.....  | 250  | 304  | 386  | 484  |
| Wilkin.....              | 250  | 304  | 386  | 484  | 553                      | Winona.....     | 255  | 332  | 421  | 526  |
| Yellow Medicine.....     | 250  | 304  | 386  | 484  | 553                      |                 |      |      |      | 590  |

## MISSISSIPPI

## METROPOLITAN FMR AREAS

| O    |      |      |      |      | O                          |      |      |      |      |
|------|------|------|------|------|----------------------------|------|------|------|------|
| BR 1 | BR 2 | BR 3 | BR 4 | BR 5 | BR 1                       | BR 2 | BR 3 | BR 4 | BR 5 |
| 329  | 386  | 445  | 619  | 731  | Hancock, Harrison, Jackson |      |      |      |      |
| 243  | 299  | 365  | 492  | 586  | Forrest, Lamar             |      |      |      |      |
| 335  | 383  | 467  | 621  | 655  | Hinds, Madison, Rankin     |      |      |      |      |
| 321  | 374  | 440  | 611  | 642  | Desoto                     |      |      |      |      |

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1           | BR 2 | BR 3 | BR 4 |     |     |
| Adams.....               | 237  | 281  | 349  | 447  | 570                      | Alcorn.....    | 237  | 281  | 347  | 447 | 503 |
| Amite.....               | 237  | 281  | 347  | 447  | 503                      | Attala.....    | 237  | 281  | 347  | 447 | 503 |
| Benton.....              | 237  | 281  | 347  | 447  | 503                      | Bolivar.....   | 269  | 281  | 362  | 452 | 517 |
| Calhoun.....             | 237  | 281  | 347  | 447  | 503                      | Carroll.....   | 237  | 281  | 347  | 447 | 503 |
| Chickasaw.....           | 237  | 281  | 347  | 447  | 503                      | Choctaw.....   | 237  | 281  | 347  | 447 | 503 |
| Claborn.....             | 237  | 281  | 347  | 447  | 503                      | Clarke.....    | 237  | 281  | 347  | 447 | 503 |
| Clay.....                | 237  | 281  | 347  | 447  | 508                      | Coahoma.....   | 275  | 281  | 371  | 466 | 521 |
| Copiah.....              | 237  | 281  | 347  | 447  | 503                      | Covington..... | 237  | 281  | 347  | 447 | 503 |
| Franklin.....            | 240  | 281  | 347  | 447  | 503                      | George.....    | 237  | 281  | 347  | 447 | 503 |
| Greene.....              | 237  | 281  | 347  | 447  | 503                      | Grenada.....   | 237  | 282  | 347  | 475 | 503 |
| Holmes.....              | 237  | 281  | 347  | 447  | 503                      | Humphreys..... | 237  | 281  | 347  | 447 | 503 |
| Issaquena.....           | 249  | 342  | 454  | 568  | 637                      | Itawamba.....  | 237  | 281  | 347  | 447 | 503 |
| Jasper.....              | 237  | 281  | 347  | 447  | 503                      | Jefferson..... | 237  | 281  | 347  | 447 | 503 |
| Jefferson Davis.....     | 237  | 281  | 347  | 447  | 503                      | Jones.....     | 237  | 281  | 347  | 447 | 503 |
| Kemper.....              | 239  | 281  | 347  | 447  | 503                      | Lafayette..... | 240  | 329  | 438  | 549 | 614 |
| Lauderdale.....          | 237  | 305  | 385  | 498  | 539                      | Lawrence.....  | 237  | 281  | 347  | 447 | 503 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 28

## M I S S I S S I P P I continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                 |      |      |      |
|--------------------------|------|------|------|------|--------------------------|-----------------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1            | BR 2 | BR 3 | BR 4 |
| Leake.....               | 237  | 281  | 347  | 447  | 503                      | Lee.....        | 297  | 319  | 385  |
| Leflore.....             | 237  | 281  | 347  | 448  | 538                      | Lincoln.....    | 237  | 281  | 347  |
| Lowndes.....             | 293  | 315  | 374  | 469  | 529                      | Marion.....     | 237  | 281  | 347  |
| Marshall.....            | 237  | 281  | 347  | 447  | 511                      | Monroe.....     | 237  | 281  | 347  |
| Montgomery.....          | 237  | 281  | 347  | 447  | 503                      | Neshoba.....    | 237  | 281  | 347  |
| Newton.....              | 237  | 281  | 347  | 447  | 503                      | Noxubee.....    | 241  | 281  | 347  |
| Oktibbeha.....           | 291  | 302  | 370  | 514  | 607                      | Panola.....     | 245  | 281  | 347  |
| Pearl River.....         | 249  | 281  | 347  | 449  | 503                      | Perry.....      | 237  | 281  | 347  |
| Pike.....                | 241  | 281  | 347  | 447  | 503                      | Pontotoc.....   | 237  | 281  | 347  |
| Prentiss.....            | 240  | 281  | 347  | 447  | 503                      | Quitman.....    | 237  | 281  | 347  |
| Scott.....               | 237  | 281  | 347  | 447  | 503                      | Sharkey.....    | 241  | 281  | 347  |
| Simpson.....             | 240  | 281  | 347  | 447  | 503                      | Smith.....      | 237  | 281  | 347  |
| Stone.....               | 237  | 281  | 347  | 447  | 503                      | Sunflower.....  | 262  | 285  | 347  |
| Tallahatchie.....        | 237  | 281  | 347  | 447  | 503                      | Tate.....       | 237  | 320  | 370  |
| Tippah.....              | 237  | 281  | 347  | 447  | 503                      | Tishomingo..... | 237  | 281  | 347  |
| Tunica.....              | 237  | 281  | 347  | 447  | 503                      | Union.....      | 237  | 281  | 347  |
| Walthall.....            | 237  | 281  | 347  | 447  | 503                      | Warren.....     | 237  | 309  | 387  |
| Washington.....          | 256  | 304  | 407  | 526  | 578                      | Wayne.....      | 237  | 281  | 347  |
| Webster.....             | 239  | 281  | 347  | 447  | 503                      | Wilkinson.....  | 237  | 281  | 347  |
| Winston.....             | 237  | 281  | 347  | 447  | 503                      | Yalobusha.....  | 239  | 281  | 347  |
| Yazoo.....               | 241  | 281  | 347  | 447  | 503                      |                 |      |      |      |

| METROPOLITAN FMR AREAS      |      |      |      |      | Counties of FMR AREA within STATE |                                                        |      |      |      |
|-----------------------------|------|------|------|------|-----------------------------------|--------------------------------------------------------|------|------|------|
| O                           | BR 1 | BR 2 | BR 3 | BR 4 | O                                 | BR 1                                                   | BR 2 | BR 3 | BR 4 |
| Columbia, MO MSA.....       | 245  | 344  | 448  | 623  | 735                               | Boone                                                  |      |      |      |
| Joplin, MO MSA.....         | 239  | 276  | 367  | 483  | 519                               | Jasper, Newton                                         |      |      |      |
| Kansas City, MO-KS MSA..... | 319  | 402  | 483  | 668  | 740                               | Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray   |      |      |      |
| St. Joseph, MO MSA.....     | 229  | 278  | 372  | 468  | 520                               | Andrew, Buchanan                                       |      |      |      |
| St. Louis, MO-IL MSA.....   | 297  | 362  | 471  | 612  | 677                               | Crawford-Sullivan (part), Franklin, Jefferson, Lincoln |      |      |      |
| Springfield, MO MSA.....    | 251  | 318  | 411  | 567  | 591                               | St. Charles, St. Louis, Warren, St. Louis city         |      |      |      |
|                             |      |      |      |      |                                   | Christiana, Greene, Webster                            |      |      |      |

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                |      |      |      |
|--------------------------|------|------|------|------|--------------------------|----------------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1           | BR 2 | BR 3 | BR 4 |
| Adair.....               | 225  | 281  | 373  | 469  | 563                      | Atchison.....  | 225  | 260  | 334  |
| Audrain.....             | 240  | 260  | 334  | 451  | 521                      | Barry.....     | 225  | 268  | 334  |
| Barton.....              | 225  | 260  | 334  | 434  | 497                      | Bates.....     | 225  | 260  | 334  |
| Benton.....              | 254  | 260  | 334  | 434  | 497                      | Bollinger..... | 225  | 260  | 334  |
| Butler.....              | 225  | 260  | 334  | 434  | 497                      | Caldwell.....  | 225  | 262  | 351  |
| Callaway.....            | 266  | 270  | 359  | 456  | 590                      | Camden.....    | 296  | 299  | 400  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I S S O U R I continued

| NONMETROPOLITAN COUNTIES |     |     |     |     |     |   |    |   |    | NONMETROPOLITAN COUNTIES |     |     |     |     |     |   |    |   |    |
|--------------------------|-----|-----|-----|-----|-----|---|----|---|----|--------------------------|-----|-----|-----|-----|-----|---|----|---|----|
| O                        | BR  | 1   | BR  | 2   | BR  | 3 | BR | 4 | BR | O                        | BR  | 1   | BR  | 2   | BR  | 3 | BR | 4 | BR |
| Cape Girardeau.....      | 232 | 285 | 379 | 505 | 619 |   |    |   |    | Carroll.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Carter.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Cedar.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Chariton.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Clark.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Cole.....                | 225 | 297 | 396 | 528 | 554 |   |    |   |    | Cooper.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Crawford.....            | 247 | 297 | 335 | 441 | 497 |   |    |   |    | Dade.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Dallas.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Davies.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Dekalb.....              | 233 | 260 | 334 | 439 | 497 |   |    |   |    | Dent.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Douglas.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Dunklin.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Gasconade.....           | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Gentry.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Grundy.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Harrison.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Henry.....               | 257 | 262 | 348 | 437 | 573 |   |    |   |    | Hickory.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Holt.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Howard.....              | 225 | 260 | 334 | 434 | 499 |   |    |   |    |
| Howell.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Iron.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Johnson.....             | 271 | 302 | 394 | 522 | 617 |   |    |   |    | Knox.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Laclede.....             | 225 | 260 | 334 | 437 | 497 |   |    |   |    | Lawrence.....            | 238 | 266 | 334 | 434 | 497 |   |    |   |    |
| Lewis.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Linn.....                | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Livingston.....          | 225 | 260 | 335 | 434 | 497 |   |    |   |    | McDonald.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Macon.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Madison.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Maries.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Marion.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Mercer.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Miller.....              | 247 | 297 | 334 | 437 | 516 |   |    |   |    |
| Mississippi.....         | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Moniteau.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Monroe.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Montgomery.....          | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Morgan.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | New Madrid.....          | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Nodaway.....             | 237 | 287 | 354 | 450 | 543 |   |    |   |    | Oregon.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Osage.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Ozark.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Pemiscot.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Perry.....               | 262 | 266 | 355 | 472 | 497 |   |    |   |    |
| Pettis.....              | 241 | 283 | 379 | 476 | 570 |   |    |   |    | Phelps.....              | 233 | 279 | 358 | 486 | 527 |   |    |   |    |
| Pike.....                | 225 | 260 | 334 | 434 | 523 |   |    |   |    | Polk.....                | 225 | 261 | 334 | 434 | 521 |   |    |   |    |
| Pulaski.....             | 225 | 315 | 354 | 468 | 523 |   |    |   |    | Putnam.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Ralls.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Randolph.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Reynolds.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Ripley.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| St. Clair.....           | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Ste. Genevieve.....      | 225 | 268 | 344 | 441 | 558 |   |    |   |    |
| St. Francois.....        | 237 | 299 | 379 | 475 | 623 |   |    |   |    | Saline.....              | 225 | 260 | 342 | 434 | 497 |   |    |   |    |
| Schuyler.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Scotland.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Scott.....               | 271 | 273 | 364 | 492 | 566 |   |    |   |    | Shannon.....             | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Shelby.....              | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Stoddard.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Stone.....               | 262 | 278 | 345 | 441 | 497 |   |    |   |    | Sullivan.....            | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Taney.....               | 255 | 281 | 368 | 497 | 585 |   |    |   |    | Texas.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    |
| Vernon.....              | 225 | 260 | 334 | 444 | 497 |   |    |   |    | Washington.....          | 264 | 318 | 357 | 446 | 500 |   |    |   |    |
| Wayne.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    | Worth.....               | 225 | 260 | 334 | 434 | 497 |   |    |   |    |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

PAGE 30

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## M I S S O U R I continued

| NONMETROPOLITAN COUNTIES |  | O BR 1 BR 2 BR 3 BR 4 BR |     | NONMETROPOLITAN COUNTIES          |     | O BR 1 BR 2 BR 3 BR 4 BR |                      |
|--------------------------|--|--------------------------|-----|-----------------------------------|-----|--------------------------|----------------------|
| Wright.....              |  | 225                      | 260 | 334                               | 434 | 497                      |                      |
| M O N T A N A            |  |                          |     |                                   |     |                          |                      |
| METROPOLITAN FMR AREAS   |  | O BR 1 BR 2 BR 3 BR 4 BR |     | Counties of FMR AREA within STATE |     |                          |                      |
| Billings, MT MSA.....    |  | 287                      | 334 | 447                               | 600 | 728                      | Yellowstone          |
| Great Falls, MT MSA..... |  | 287                      | 332 | 438                               | 570 | 679                      | Cascade              |
| NONMETROPOLITAN COUNTIES |  | O BR 1 BR 2 BR 3 BR 4 BR |     | NONMETROPOLITAN COUNTIES          |     | O BR 1 BR 2 BR 3 BR 4 BR |                      |
| Beaverhead.....          |  | 273                      | 316 | 417                               | 542 | 634                      | Big Horn.....        |
| Blaine.....              |  | 273                      | 316 | 417                               | 542 | 634                      | Broadwater.....      |
| Carbon.....              |  | 273                      | 320 | 417                               | 542 | 634                      | Carter.....          |
| Chouteau.....            |  | 273                      | 316 | 417                               | 542 | 634                      | Custer.....          |
| Daniels.....             |  | 273                      | 336 | 417                               | 542 | 634                      | Dawson.....          |
| Deer Lodge.....          |  | 273                      | 316 | 417                               | 542 | 634                      | Fallon.....          |
| Fergus.....              |  | 273                      | 316 | 417                               | 542 | 634                      | Flathead.....        |
| Gallatin.....            |  | 273                      | 319 | 428                               | 550 | 703                      | Garfield.....        |
| Glacier.....             |  | 273                      | 316 | 417                               | 542 | 634                      | Golden Valley.....   |
| Granite.....             |  | 273                      | 316 | 417                               | 542 | 634                      | Hill.....            |
| Jefferson.....           |  | 288                      | 316 | 417                               | 542 | 634                      | Judith Basin.....    |
| Lake.....                |  | 298                      | 316 | 417                               | 542 | 634                      | Lewis and Clark..... |
| Liberty.....             |  | 273                      | 316 | 417                               | 542 | 634                      | Lincoln.....         |
| Mccone.....              |  | 273                      | 334 | 417                               | 542 | 634                      | Madison.....         |
| Meagher.....             |  | 273                      | 336 | 417                               | 542 | 634                      | Mineral.....         |
| Missoula.....            |  | 299                      | 351 | 467                               | 602 | 765                      | Musselshell.....     |
| Park.....                |  | 273                      | 316 | 417                               | 542 | 640                      | Petrolem.....        |
| Phillips.....            |  | 273                      | 316 | 417                               | 542 | 634                      | Pondera.....         |
| Powder River.....        |  | 273                      | 320 | 417                               | 542 | 634                      | Powell.....          |
| Prairie.....             |  | 273                      | 316 | 417                               | 542 | 634                      | Ravalli.....         |
| Richland.....            |  | 273                      | 342 | 417                               | 542 | 634                      | Roosevelt.....       |
| Rosebud.....             |  | 273                      | 316 | 417                               | 542 | 634                      | Sanders.....         |
| Sheridan.....            |  | 281                      | 316 | 417                               | 542 | 634                      | Silver Bow.....      |
| Stillwater.....          |  | 279                      | 316 | 417                               | 542 | 634                      | Sweet Grass.....     |
| Teton.....               |  | 273                      | 316 | 417                               | 542 | 634                      | Toole.....           |
| Treasure.....            |  | 273                      | 316 | 417                               | 542 | 634                      | Valley.....          |
| Wheatland.....           |  | 273                      | 316 | 417                               | 542 | 634                      | Wibaux.....          |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N E B R A S K A

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS     |     |      |      |      |      |    |                                   |
|----------------------------|-----|------|------|------|------|----|-----------------------------------|
|                            | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
| Lincoln, NE MSA.....       | 277 | 353  | 468  | 621  | 725  |    | Lancaster                         |
| Omaha, NE-IA MSA.....      | 279 | 382  | 483  | 633  | 710  |    | Cass, Douglas, Sarpy, Washington  |
| Sioux City, IA-NE MSA..... | 290 | 348  | 434  | 542  | 618  |    | Dakota                            |

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Adams.....               | 224  | 301  | 398  | 499  | 598 | Antelope.....            | 224  | 303  | 368  | 473  | 536 |
| Arthur.....              | 224  | 288  | 368  | 470  | 536 | Banner.....              | 224  | 288  | 368  | 471  | 536 |
| Blaine.....              | 224  | 288  | 368  | 470  | 536 | Boone.....               | 224  | 288  | 368  | 470  | 557 |
| Box Butte.....           | 243  | 288  | 368  | 471  | 556 | Boyd.....                | 224  | 301  | 368  | 470  | 536 |
| Brown.....               | 224  | 288  | 368  | 470  | 547 | Buffalo.....             | 228  | 330  | 414  | 517  | 624 |
| Burt.....                | 224  | 288  | 368  | 470  | 536 | Butler.....              | 224  | 288  | 368  | 470  | 536 |
| Cedar.....               | 224  | 288  | 368  | 470  | 536 | Chase.....               | 224  | 304  | 368  | 470  | 561 |
| Cherry.....              | 224  | 303  | 368  | 473  | 557 | Cheyenne.....            | 251  | 288  | 368  | 470  | 536 |
| Clay.....                | 224  | 288  | 368  | 470  | 536 | Colfax.....              | 244  | 300  | 368  | 470  | 536 |
| Cuming.....              | 224  | 304  | 368  | 470  | 536 | Custer.....              | 251  | 290  | 368  | 470  | 556 |
| Daves.....               | 239  | 288  | 368  | 474  | 559 | Dawson.....              | 246  | 300  | 368  | 474  | 536 |
| Deuel.....               | 224  | 288  | 368  | 470  | 536 | Dixon.....               | 250  | 288  | 368  | 470  | 536 |
| Dodge.....               | 224  | 288  | 380  | 500  | 536 | Dundy.....               | 224  | 288  | 368  | 470  | 536 |
| Fillmore.....            | 224  | 288  | 368  | 470  | 536 | Franklin.....            | 224  | 288  | 368  | 475  | 536 |
| Frontier.....            | 252  | 288  | 368  | 470  | 536 | Furnas.....              | 224  | 288  | 368  | 470  | 557 |
| Gage.....                | 224  | 289  | 375  | 477  | 536 | Garden.....              | 224  | 300  | 368  | 473  | 559 |
| Garfield.....            | 224  | 288  | 368  | 470  | 536 | Gosper.....              | 224  | 288  | 368  | 470  | 543 |
| Grant.....               | 224  | 288  | 368  | 470  | 536 | Greeley.....             | 224  | 288  | 368  | 470  | 545 |
| Hall.....                | 224  | 295  | 393  | 517  | 580 | Hamilton.....            | 224  | 288  | 368  | 474  | 536 |
| Harlan.....              | 224  | 288  | 368  | 471  | 536 | Hayes.....               | 224  | 302  | 368  | 470  | 557 |
| Hitchcock.....           | 224  | 288  | 368  | 470  | 536 | Holt.....                | 224  | 288  | 368  | 470  | 536 |
| Hooker.....              | 224  | 302  | 368  | 471  | 536 | Howard.....              | 224  | 288  | 368  | 470  | 536 |
| Jefferson.....           | 224  | 288  | 368  | 470  | 536 | Johnson.....             | 224  | 292  | 368  | 470  | 536 |
| Kearney.....             | 224  | 288  | 368  | 470  | 559 | Keith.....               | 224  | 288  | 368  | 470  | 536 |
| Keya Paha.....           | 224  | 288  | 368  | 470  | 536 | Kimball.....             | 224  | 288  | 368  | 471  | 559 |
| Knox.....                | 224  | 299  | 368  | 470  | 536 | Lincoln.....             | 230  | 300  | 368  | 470  | 536 |
| Logan.....               | 224  | 288  | 368  | 470  | 560 | Loup.....                | 224  | 288  | 368  | 470  | 558 |
| Mcpherson.....           | 224  | 288  | 368  | 471  | 536 | Madison.....             | 230  | 302  | 400  | 517  | 631 |
| Merrick.....             | 224  | 288  | 368  | 470  | 536 | Morrill.....             | 224  | 290  | 368  | 470  | 557 |
| Nance.....               | 224  | 288  | 368  | 470  | 536 | Nemaha.....              | 224  | 288  | 368  | 470  | 536 |
| Nuckolls.....            | 224  | 288  | 368  | 470  | 536 | Otoe.....                | 224  | 288  | 368  | 470  | 560 |
| Pawnee.....              | 224  | 288  | 368  | 474  | 536 | Perkins.....             | 224  | 288  | 368  | 470  | 536 |
| Phelps.....              | 251  | 288  | 368  | 471  | 559 | Pierce.....              | 224  | 288  | 368  | 470  | 536 |
| Platte.....              | 224  | 288  | 368  | 514  | 536 | Polk.....                | 224  | 288  | 368  | 470  | 536 |
| Red Willow.....          | 224  | 288  | 368  | 470  | 545 | Richardson.....          | 224  | 288  | 368  | 470  | 536 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N E B R A S K A continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Rock.....                | 224 | 295  | 368  | 470  | 536  |    | Saline.....              | 224 | 301  | 368  | 470  | 536  |    |
| Saunders.....            | 224 | 288  | 368  | 470  | 536  |    | Scotts Bluff.....        | 228 | 299  | 380  | 470  | 557  |    |
| Seward.....              | 278 | 288  | 376  | 470  | 536  |    | Sheridan.....            | 224 | 288  | 368  | 470  | 537  |    |
| Sherman.....             | 224 | 290  | 368  | 470  | 560  |    | Sioux.....               | 224 | 288  | 368  | 470  | 559  |    |
| Stanton.....             | 224 | 288  | 368  | 470  | 536  |    | Thayer.....              | 224 | 303  | 368  | 470  | 536  |    |
| Thomas.....              | 224 | 288  | 368  | 470  | 536  |    | Thurston.....            | 224 | 288  | 368  | 470  | 536  |    |
| Valley.....              | 224 | 288  | 368  | 470  | 536  |    | Wayne.....               | 257 | 288  | 368  | 470  | 557  |    |
| Webster.....             | 224 | 288  | 368  | 470  | 536  |    | Wheeler.....             | 224 | 288  | 368  | 471  | 536  |    |
| York.....                | 224 | 288  | 373  | 470  | 536  |    |                          |     |      |      |      |      |    |

## N E V A D A

## METROPOLITAN FMR AREAS

|                           | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|---------------------------|-----|------|------|------|------|----|-----------------------------------|
| Las Vegas, NV-AZ MSA..... |     |      |      |      |      |    | Clark, Nye                        |
| Reno, NV MSA.....         | 437 | 519  | 618  | 860  | 1015 |    | Washoe                            |
|                           | 448 | 520  | 667  | 928  | 1097 |    |                                   |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |  |                  |     |     |     |     |      |  |
|-----------------|-----|-----|-----|-----|-----|--|------------------|-----|-----|-----|-----|------|--|
| Churchill.....  | 422 | 428 | 572 | 789 | 937 |  | Douglas.....     | 379 | 553 | 692 | 961 | 1071 |  |
| Elko.....       | 384 | 438 | 584 | 771 | 959 |  | Esmeralda.....   | 406 | 507 | 571 | 712 | 799  |  |
| Eureka.....     | 311 | 507 | 571 | 711 | 796 |  | Humboldt.....    | 457 | 479 | 578 | 758 | 811  |  |
| Lander.....     | 314 | 486 | 571 | 714 | 936 |  | Lincoln.....     | 312 | 468 | 571 | 715 | 800  |  |
| Lyon.....       | 372 | 445 | 571 | 795 | 937 |  | Mineral.....     | 315 | 431 | 574 | 752 | 942  |  |
| Pershing.....   | 432 | 438 | 584 | 731 | 835 |  | Storey.....      | 438 | 444 | 584 | 813 | 959  |  |
| White Pine..... | 312 | 429 | 571 | 771 | 810 |  | Carson City..... | 328 | 449 | 599 | 833 | 984  |  |

## N E W H A M P S H I R E

## METROPOLITAN FMR AREAS

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Components of FMR AREA within STATE |
|--|---|------|------|------|------|----|-------------------------------------|
|--|---|------|------|------|------|----|-------------------------------------|

|                           |     |     |     |     |      |  |                                                           |
|---------------------------|-----|-----|-----|-----|------|--|-----------------------------------------------------------|
| Boston, MA-NH PMSA.....   | 532 | 599 | 750 | 938 | 1101 |  | Rockingham county towns of Seabrook town                  |
| Lawrence, MA-NH PMSA..... | 433 | 522 | 656 | 820 | 1010 |  | South Hampton town                                        |
|                           |     |     |     |     |      |  | Rockingham county towns of Atkinson town, Chester town    |
|                           |     |     |     |     |      |  | Danville town, Derry town, Fremont town, Hampstead town   |
|                           |     |     |     |     |      |  | Kingston town, Newton town, Plaistow town, Raymond town   |
|                           |     |     |     |     |      |  | Salem town, Sandown town, Windham town                    |
| Lowell, MA-NH PMSA.....   | 425 | 549 | 664 | 831 | 930  |  | Hillsborough county towns of Pelham town                  |
| Manchester, NH PMSA.....  | 342 | 488 | 609 | 761 | 853  |  | Hillsborough county towns of Bedford town, Goffstown town |
|                           |     |     |     |     |      |  | Manchester city, Weare town                               |
|                           |     |     |     |     |      |  | Merrimack county towns of Allenstown town, Hooksett town  |
|                           |     |     |     |     |      |  | Rockingham county towns of Auburn town, Candia town       |
|                           |     |     |     |     |      |  | Londonderry town                                          |
| Nashua, NH PMSA.....      | 403 | 562 | 697 | 948 | 1128 |  | Hillsborough county towns of Amherst town, Brookline town |
|                           |     |     |     |     |      |  | Greenville town, Hollis town, Hudson town                 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 33

## NEW HAMPSHIRE continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Portsmouth-Rochester, NH-ME PMSA..... 433 520 668 855 1049

Litchfield town, Mason town, Merrimack town  
 Milford town, Mont Vernon town, Nashua city  
 New Ipswich town, Wilton town  
 Rockingham county towns of Brentwood town  
 East Kingston town, Epping town, Exeter town  
 Greenland town, Hampton town, Hampton Falls town  
 Kensington town, New Castle town, Newfields town  
 Newington town, Newmarket town, North Hampton town  
 Portsmouth city, Rye town, Stratham town  
 Strafford county towns of Barrington town, Dover city  
 Durham town, Farmington town, Lee town, Madbury town  
 Milton town, Rochester city, Rollinsford town  
 Somersworth city

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

Belknap..... 407 470 618 834 1014

Carroll..... 340 466 621 777 970

Cheshire..... 421 500 640 833 987

Coos..... 290 355 455 593 703

Grafton..... 373 451 601 777 982

Hillsborough..... 399 498 665 879 1057

Antrim town, Bannington town, Deering town  
 Francetown town, Greenfield town, Hancock town  
 Hillsborough town, Lyndeborough town, New Boston town  
 Peterborough town, Sharon town, Temple town  
 Windsor town

Merrimack..... 419 501 625 801 895

Andover town, Boscawen town, Bow town, Bradford town  
 Canterbury town, Chichester town, Concord city  
 Danbury town, Dunbarton town, Epsom town, Franklin city  
 Henniker town, Hill town, Hopkinton town, Loudon town  
 Newbury town, New London town, Northfield town  
 Pembroke town, Pittsfield town, Salisbury town  
 Sutton town, Warner town, Webster town, Wilmot town  
 Deerfield town, Northwood town, Nottingham town  
 Middleton town, New Durham town, Strafford town

Rockingham..... 435 510 682 946 1092

Strafford..... 385 523 698 875 980

Sullivan..... 406 412 534 702 749

## NEW JERSEY

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Atlantic-Cape May, NJ PMSA..... 459 521 695 870 994

Bergen-Passaic, NJ PMSA..... 604 735 863 1150 1418

Jersey City, NJ PMSA..... 552 651 758 963 1061

Middlesex-Somerset-Hunterdon, NJ PMSA..... 643 705 880 1196 1381

Atlantic, Cape May  
 Bergen, Passaic  
 Hudson  
 Hunterdon, Middlesex, Somerset

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## NEW JERSEY continued

## METROPOLITAN FMR AREAS

|                                           | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE     |
|-------------------------------------------|-----|------|------|------|------|----|---------------------------------------|
| Monmouth-Ocean, NJ PMSA.....              | 531 | 636  | 807  | 1072 | 1257 |    | Monmouth, Ocean                       |
| Newark, NJ PMSA.....                      | 511 | 652  | 786  | 990  | 1251 |    | Essex, Morris, Sussex, Union, Warren  |
| Philadelphia, PA-NJ PMSA.....             | 446 | 549  | 678  | 848  | 1063 |    | Burlington, Camden, Gloucester, Salem |
| Trenton, NJ PMSA.....                     | 438 | 610  | 743  | 1006 | 1215 |    | Mercer                                |
| Vinland-Millville-Bridgeton, NJ PMSA..... | 442 | 538  | 649  | 810  | 909  |    | Cumberland                            |

## NEW MEXICO

## METROPOLITAN FMR AREAS

|                          | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|--------------------------|-----|------|------|------|------|----|-----------------------------------|
| Albuquerque, NM MSA..... | 365 | 435  | 544  | 750  | 885  |    | Bernalillo, Sandoval, Valencia    |
| Las Cruces, NM MSA.....  | 272 | 342  | 407  | 557  | 657  |    | Dona Ana                          |
| Santa Fe, NM MSA.....    | 393 | 558  | 690  | 925  | 1048 |    | Los Alamos, Santa Fe              |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR |
|-----------------|-----|------|------|------|------|----|---------------------------------------------------|
| Catron.....     | 259 | 303  | 377  | 506  | 571  |    | Chaves..... 259 295 390 535 571                   |
| Cibola.....     | 270 | 295  | 377  | 506  | 571  |    | Colfax..... 259 301 377 506 571                   |
| Curry.....      | 259 | 301  | 395  | 506  | 571  |    | DeBaca..... 259 295 377 506 571                   |
| Eddy.....       | 266 | 294  | 377  | 506  | 588  |    | Grant..... 259 294 377 506 571                    |
| Guadalupe.....  | 259 | 294  | 377  | 506  | 571  |    | Harding..... 259 294 377 506 571                  |
| Hidalgo.....    | 259 | 294  | 377  | 506  | 571  |    | Lea..... 259 294 377 506 571                      |
| Lincoln.....    | 294 | 301  | 398  | 524  | 655  |    | Luna..... 268 294 377 506 571                     |
| McKinley.....   | 259 | 326  | 414  | 517  | 578  |    | Mora..... 259 294 377 506 571                     |
| Otero.....      | 259 | 294  | 377  | 525  | 571  |    | Quay..... 259 376 423 529 592                     |
| Rio Arriba..... | 303 | 310  | 382  | 506  | 571  |    | Roosevelt..... 259 294 377 506 571                |
| San Juan.....   | 293 | 314  | 392  | 544  | 644  |    | San Miguel..... 288 294 389 506 571               |
| Sierra.....     | 259 | 294  | 377  | 506  | 571  |    | Socorro..... 259 294 377 506 586                  |
| Taos.....       | 355 | 360  | 480  | 600  | 789  |    | Torrance..... 285 307 377 506 571                 |
| Union.....      | 259 | 316  | 377  | 506  | 571  |    |                                                   |

## NEW YORK

## METROPOLITAN FMR AREAS

|                                      | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                               |
|--------------------------------------|-----|------|------|------|------|----|-----------------------------------------------------------------|
| Albany-Schenectady-Troy, NY MSA..... | 386 | 473  | 584  | 731  | 818  |    | Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie |
| Binghamton, NY MSA.....              | 343 | 387  | 483  | 615  | 687  |    | Broome, Tioga                                                   |
| Buffalo-Niagara Falls, NY PMSA.....  | 340 | 415  | 499  | 624  | 698  |    | Erie, Niagara                                                   |
| Dutchess County, NY PMSA.....        | 513 | 651  | 804  | 1045 | 1222 |    | Dutchess                                                        |
| Elmira, NY MSA.....                  | 343 | 387  | 475  | 600  | 718  |    | Chemung                                                         |
| Glens Falls, NY MSA.....             | 343 | 450  | 548  | 686  | 768  |    | Warren, Washington                                              |
| Jamestown, NY MSA.....               | 343 | 387  | 463  | 600  | 687  |    | Chautauqua                                                      |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 35

NEW YORK continued

## METROPOLITAN FMR AREAS

|                              | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                            |
|------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------|
| Nassau-Suffolk, NY PMSA..... | 690 | 831  | 1014 | 1410 | 1511 |    | Nassau, Suffolk                                              |
| New York, NY PMSA.....       | 645 | 719  | 817  | 1022 | 1144 |    | Bronx, Kings, New York, Putnam, Queens, Richmond<br>Rockland |
| Westchester County, NY.....  | 620 | 807  | 983  | 1280 | 1526 |    | Westchester                                                  |
| Newburgh, NY-PA PMSA.....    | 505 | 657  | 803  | 1019 | 1163 |    | Orange                                                       |
| Rochester, NY MSA.....       | 372 | 483  | 589  | 754  | 824  |    | Genesee, Livingston, Monroe, Ontario, Orleans, Wayne         |
| Syracuse, NY MSA.....        | 370 | 446  | 552  | 705  | 783  |    | Cayuga, Madison, Onondaga, Oswego                            |
| Utica-Rome, NY MSA.....      | 343 | 387  | 474  | 600  | 687  |    | Herkimer, Oneida                                             |

## NONMETROPOLITAN COUNTIES

|                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|----------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Allegany.....  | 338 | 381  | 456  | 591  | 676  |    | Cattaraugus.....         | 338 | 381  | 456  | 591  | 676  |    |
| Chenango.....  | 360 | 381  | 456  | 591  | 676  |    | Clinton.....             | 338 | 381  | 492  | 615  | 689  |    |
| Columbia.....  | 423 | 444  | 570  | 747  | 799  |    | Cortland.....            | 338 | 404  | 507  | 634  | 749  |    |
| Delaware.....  | 338 | 381  | 456  | 591  | 726  |    | Essex.....               | 338 | 386  | 483  | 605  | 676  |    |
| Franklin.....  | 338 | 381  | 456  | 591  | 676  |    | Fulton.....              | 338 | 381  | 456  | 591  | 676  |    |
| Greene.....    | 338 | 438  | 526  | 680  | 828  |    | Hamilton.....            | 338 | 407  | 468  | 591  | 676  |    |
| Jefferson..... | 364 | 430  | 506  | 634  | 708  |    | Lewis.....               | 338 | 381  | 456  | 591  | 676  |    |
| Otsego.....    | 338 | 400  | 460  | 595  | 756  |    | St. Lawrence.....        | 338 | 381  | 456  | 591  | 676  |    |
| Schuyler.....  | 366 | 391  | 463  | 645  | 760  |    | Seneca.....              | 361 | 389  | 469  | 606  | 676  |    |
| Steuben.....   | 350 | 398  | 456  | 598  | 676  |    | Sullivan.....            | 438 | 492  | 600  | 828  | 840  |    |
| Tompkins.....  | 441 | 476  | 611  | 852  | 1005 |    | Ulster.....              | 416 | 577  | 695  | 904  | 1140 |    |
| Wyoming.....   | 338 | 381  | 456  | 591  | 676  |    | Yates.....               | 338 | 381  | 456  | 591  | 676  |    |

## NORTH CAROLINA

## METROPOLITAN FMR AREAS

|                                                   | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE                                        |
|---------------------------------------------------|-----|------|------|------|------|----|--------------------------------------------------------------------------|
| Asheville, NC MSA.....                            | 284 | 344  | 448  | 583  | 629  |    | Buncombe, Madison                                                        |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA.....      | 403 | 454  | 511  | 674  | 807  |    | Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union                     |
| Fayetteville, NC MSA.....                         | 348 | 394  | 442  | 611  | 727  |    | Cumberland                                                               |
| Greensboro, NC MSA.....                           | 284 | 327  | 398  | 512  | 598  |    | Wayne                                                                    |
| Greensboro--Winston-Salem--High Point, NC MSA...  | 357 | 407  | 485  | 669  | 680  |    | Alamance, Davidson, Davie, Forsyth, Guilford, Randolph<br>Stokes, Yadkin |
| Greenville, NC MSA.....                           | 343 | 347  | 451  | 606  | 742  |    | Pitt                                                                     |
| Hickory-Morganton, NC MSA.....                    | 358 | 390  | 453  | 570  | 678  |    | Alexander, Burke, Caldwell, Catawba                                      |
| Jacksonville, NC MSA.....                         | 323 | 378  | 426  | 592  | 700  |    | Onslow                                                                   |
| Norfolk-Virginia Beach-Newport News, VA-NC MSA... | 407 | 457  | 542  | 756  | 887  |    | Currituck                                                                |
| Raleigh-Durham-Chapel Hill, NC MSA.....           | 383 | 465  | 546  | 732  | 863  |    | Chatham, Durham, Franklin, Johnston, Orange, Wake                        |
| Rocky Mount, NC MSA.....                          | 303 | 327  | 398  | 527  | 581  |    | Edgecombe, Nash                                                          |
| Wilmington, NC MSA.....                           | 369 | 406  | 497  | 680  | 811  |    | Brunswick, New Hanover                                                   |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N O R T H C A R O L I N A continued

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |                 |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|--------------------------|-----------------|-----|-----|-----|-----|-----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3               | BR  | 4   | BR  |     |     |
| Alleghany.....           | 279 | 327 | 391 | 503 | 596                      | Anson.....      | 279 | 322 | 391 | 503 | 571 |
| Ashe.....                | 279 | 322 | 391 | 503 | 571                      | Avery.....      | 311 | 350 | 427 | 535 | 598 |
| Beaufort.....            | 279 | 322 | 391 | 503 | 571                      | Bertie.....     | 279 | 322 | 391 | 503 | 571 |
| Bladen.....              | 279 | 322 | 391 | 503 | 571                      | Camden.....     | 279 | 356 | 475 | 594 | 667 |
| Carteret.....            | 316 | 346 | 422 | 586 | 652                      | Caswell.....    | 279 | 322 | 391 | 503 | 571 |
| Cherokee.....            | 279 | 322 | 391 | 503 | 571                      | Chowan.....     | 279 | 322 | 391 | 503 | 571 |
| Clay.....                | 279 | 322 | 391 | 503 | 571                      | Cleveland.....  | 279 | 328 | 391 | 518 | 571 |
| Columbus.....            | 279 | 322 | 391 | 503 | 571                      | Craven.....     | 279 | 348 | 420 | 550 | 588 |
| Dare.....                | 290 | 459 | 529 | 724 | 740                      | Duplin.....     | 279 | 322 | 391 | 503 | 571 |
| Gates.....               | 279 | 322 | 391 | 503 | 571                      | Graham.....     | 279 | 322 | 391 | 503 | 571 |
| Granville.....           | 295 | 322 | 391 | 518 | 585                      | Greene.....     | 279 | 322 | 391 | 503 | 571 |
| Halifax.....             | 279 | 322 | 391 | 503 | 571                      | Harnett.....    | 279 | 322 | 391 | 505 | 571 |
| Haywood.....             | 283 | 322 | 391 | 525 | 571                      | Henderson.....  | 324 | 334 | 413 | 550 | 634 |
| Hertford.....            | 279 | 322 | 391 | 503 | 571                      | Hoke.....       | 279 | 322 | 391 | 503 | 571 |
| Hyde.....                | 279 | 322 | 391 | 503 | 571                      | Iredell.....    | 336 | 345 | 455 | 568 | 637 |
| Jackson.....             | 279 | 322 | 391 | 547 | 715                      | Jones.....      | 279 | 322 | 391 | 503 | 571 |
| Lee.....                 | 279 | 356 | 422 | 547 | 592                      | Lenoir.....     | 279 | 322 | 391 | 503 | 571 |
| McDowell.....            | 279 | 340 | 408 | 558 | 660                      | Macon.....      | 279 | 334 | 391 | 503 | 571 |
| Martin.....              | 279 | 322 | 391 | 503 | 571                      | Mitchell.....   | 279 | 365 | 419 | 572 | 598 |
| Montgomery.....          | 279 | 322 | 391 | 503 | 571                      | Moore.....      | 279 | 337 | 401 | 549 | 658 |
| Northampton.....         | 279 | 322 | 391 | 503 | 571                      | Pamlico.....    | 279 | 322 | 391 | 503 | 571 |
| Pasquotank.....          | 322 | 344 | 429 | 596 | 602                      | Pender.....     | 279 | 338 | 391 | 503 | 616 |
| Perquimans.....          | 279 | 322 | 391 | 503 | 571                      | Person.....     | 279 | 322 | 419 | 547 | 640 |
| Polk.....                | 279 | 353 | 396 | 503 | 571                      | Richmond.....   | 279 | 322 | 391 | 503 | 571 |
| Robeson.....             | 279 | 329 | 391 | 503 | 571                      | Rockingham..... | 279 | 322 | 391 | 503 | 571 |
| Rutherford.....          | 282 | 322 | 391 | 503 | 571                      | Sampson.....    | 279 | 322 | 391 | 503 | 571 |
| Scotland.....            | 279 | 322 | 391 | 503 | 571                      | Stanly.....     | 279 | 322 | 396 | 535 | 571 |
| Surry.....               | 279 | 322 | 391 | 503 | 571                      | Swain.....      | 279 | 322 | 391 | 503 | 571 |
| Tennessee.....           | 309 | 330 | 418 | 555 | 593                      | Tyrrell.....    | 279 | 322 | 391 | 503 | 571 |
| Vance.....               | 296 | 335 | 391 | 503 | 571                      | Warren.....     | 279 | 322 | 391 | 503 | 571 |
| Washington.....          | 279 | 322 | 391 | 503 | 571                      | Watauga.....    | 364 | 437 | 553 | 752 | 906 |
| Wilkes.....              | 317 | 357 | 402 | 557 | 625                      | Wilson.....     | 292 | 322 | 395 | 503 | 571 |
| Yancey.....              | 279 | 328 | 391 | 503 | 589                      |                 |     |     |     |     |     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## N O R T H D A K O T A

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS         |     |      |      |      |      |    |                                   |
|--------------------------------|-----|------|------|------|------|----|-----------------------------------|
|                                | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
| Bismarck, ND MSA.....          | 301 | 337  | 449  | 625  | 738  |    | Burleigh, Morton                  |
| Fargo-Moorhead, ND-MN MSA..... | 295 | 407  | 491  | 681  | 729  |    | Cass                              |
| Grand Forks, ND-MN MSA.....    | 305 | 364  | 478  | 660  | 736  |    | Grand Forks                       |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                    | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Adams.....         | 211 | 263  | 341  | 443  | 517  |    | Barnes.....              | 211 | 265  | 353  | 461  | 517  |    |
| Benson.....        | 239 | 263  | 341  | 443  | 517  |    | Billings.....            | 229 | 263  | 341  | 443  | 517  |    |
| Bottineau.....     | 211 | 263  | 341  | 443  | 517  |    | Bowman.....              | 211 | 263  | 341  | 443  | 517  |    |
| Burke.....         | 229 | 263  | 341  | 443  | 517  |    | Cavalier.....            | 211 | 271  | 362  | 451  | 557  |    |
| Dickey.....        | 229 | 263  | 341  | 443  | 517  |    | Divide.....              | 211 | 263  | 341  | 443  | 517  |    |
| Dunn.....          | 211 | 263  | 341  | 443  | 517  |    | Eddy.....                | 211 | 263  | 341  | 443  | 517  |    |
| Emmons.....        | 211 | 263  | 341  | 443  | 517  |    | Foster.....              | 211 | 263  | 343  | 443  | 517  |    |
| Golden Valley..... | 211 | 270  | 361  | 450  | 517  |    | Grant.....               | 211 | 263  | 341  | 443  | 517  |    |
| Griggs.....        | 211 | 263  | 341  | 443  | 517  |    | Hettinger.....           | 211 | 263  | 341  | 443  | 517  |    |
| Kidder.....        | 211 | 263  | 341  | 443  | 517  |    | Lamoure.....             | 229 | 263  | 341  | 443  | 517  |    |
| Logan.....         | 211 | 263  | 341  | 443  | 517  |    | McHenry.....             | 211 | 263  | 341  | 443  | 517  |    |
| McIntosh.....      | 211 | 263  | 341  | 443  | 517  |    | McKenzie.....            | 211 | 263  | 341  | 443  | 517  |    |
| McLean.....        | 223 | 263  | 341  | 443  | 517  |    | Mercer.....              | 211 | 263  | 341  | 443  | 517  |    |
| Mountrail.....     | 233 | 263  | 341  | 443  | 517  |    | Nelson.....              | 211 | 263  | 341  | 443  | 517  |    |
| Oliver.....        | 211 | 263  | 341  | 443  | 517  |    | Pembina.....             | 211 | 263  | 341  | 449  | 535  |    |
| Pierce.....        | 211 | 263  | 341  | 457  | 517  |    | Ramsey.....              | 216 | 289  | 386  | 484  | 632  |    |
| Ransom.....        | 214 | 263  | 341  | 443  | 517  |    | Renville.....            | 244 | 263  | 341  | 446  | 527  |    |
| Richland.....      | 221 | 263  | 348  | 443  | 517  |    | Rolette.....             | 228 | 290  | 351  | 443  | 517  |    |
| Sargent.....       | 211 | 263  | 341  | 443  | 517  |    | Sheridan.....            | 211 | 263  | 341  | 443  | 517  |    |
| Sioux.....         | 211 | 263  | 341  | 443  | 517  |    | Slope.....               | 211 | 263  | 341  | 443  | 517  |    |
| Stark.....         | 211 | 263  | 341  | 443  | 517  |    | Steele.....              | 211 | 263  | 341  | 443  | 517  |    |
| Stutsman.....      | 253 | 263  | 345  | 481  | 566  |    | Towner.....              | 241 | 270  | 361  | 450  | 592  |    |
| Trail.....         | 221 | 281  | 341  | 443  | 517  |    | Walsh.....               | 280 | 300  | 372  | 466  | 521  |    |
| Ward.....          | 211 | 289  | 386  | 522  | 622  |    | Wells.....               | 224 | 263  | 341  | 443  | 517  |    |
| Williams.....      | 211 | 263  | 341  | 443  | 517  |    |                          |     |      |      |      |      |    |

## O H I O

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                |     |      |      |      |      |                                                           |                                   |
|---------------------------------------|-----|------|------|------|------|-----------------------------------------------------------|-----------------------------------|
|                                       | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR                                                        | Counties of FMR AREA within STATE |
| Akron, OH PMSA.....                   | 326 | 397  | 509  | 636  | 713  | Portage, Summit                                           |                                   |
| Brown County, OH.....                 | 268 | 315  | 395  | 510  | 563  | Brown                                                     |                                   |
| Canton-Massillon, OH MSA.....         | 266 | 346  | 443  | 554  | 621  | Carroll, Stark                                            |                                   |
| Cincinnati, OH-KY-IN.....             | 289 | 372  | 498  | 667  | 720  | Clermont, Hamilton, Warren                                |                                   |
| Cleveland-Lorain-Elyria, OH PMSA..... | 327 | 412  | 510  | 648  | 731  | Ashtabula, Cuyahoga, Geauga, Lake                         |                                   |
| Columbus, OH MSA.....                 | 318 | 377  | 483  | 614  | 706  | Delaware, Fairfield, Franklin, Licking, Madison, Pickaway |                                   |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 38

O H I O continued

## METROPOLITAN FMR AREAS

|                                       | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|---------------------------------------|-----|------|------|------|------|----|-----------------------------------|
| Dayton-Springfield, OH MSA.....       | 329 | 368  | 470  | 606  | 681  |    | Clark, Greene, Miami, Montgomery  |
| Hamilton-Middletown, OH PMSA.....     | 291 | 414  | 531  | 664  | 744  |    | Butler                            |
| Huntington-Ashland, WV-KY-OH MSA..... | 261 | 306  | 377  | 481  | 529  |    | Lawrence                          |
| Lima, OH MSA.....                     | 266 | 319  | 420  | 535  | 588  |    | Allen, Auglaize                   |
| Mansfield, OH MSA.....                | 266 | 319  | 406  | 507  | 568  |    | Crawford, Richland                |
| Parkersburg-Marletta, WV-OH MSA.....  | 287 | 342  | 392  | 508  | 523  |    | Washington                        |
| Steubenville-Weirton, OH-WV MSA.....  | 266 | 314  | 393  | 502  | 560  |    | Jefferson                         |
| Toledo, OH MSA.....                   | 333 | 405  | 495  | 638  | 692  |    | Fulton, Lucas, Wood               |
| Wheeling, WV-OH MSA.....              | 292 | 318  | 393  | 502  | 560  |    | Belmont                           |
| Youngstown-Warren, OH MSA.....        | 279 | 329  | 411  | 518  | 589  |    | Columbiana, Mahoning, Trumbull    |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |     |     |     |     |     | O | BR 1           | BR 2 | BR 3 | BR 4 | BR  | NONMETROPOLITAN COUNTIES |  |               |     |     |     | O   | BR 1 | BR 2 | BR 3        | BR 4 | BR  |     |     |     |  |               |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|-----|---|----------------|------|------|------|-----|--------------------------|--|---------------|-----|-----|-----|-----|------|------|-------------|------|-----|-----|-----|-----|--|---------------|-----|-----|-----|-----|-----|
| Adams.....               | 262 | 310 | 387 | 495 | 553 |   | Ashland.....   | 262  | 310  | 409  | 510 | 572                      |  | Guernsey..... | 262 | 310 | 387 | 495 | 553  |      | Shelby..... | 262  | 319 | 426 | 532 | 596 |  | Union.....    | 262 | 363 | 478 | 598 | 693 |
| Athens.....              | 309 | 350 | 412 | 539 | 663 |   | Champaign..... | 262  | 319  | 415  | 518 | 581                      |  | Hardin.....   | 262 | 310 | 387 | 495 | 553  |      | Perry.....  | 262  | 310 | 387 | 495 | 553 |  | Vinton.....   | 262 | 310 | 387 | 495 | 553 |
| Clinton.....             | 262 | 336 | 404 | 562 | 567 |   | Coshocton..... | 262  | 310  | 387  | 495 | 553                      |  | Henry.....    | 283 | 313 | 391 | 504 | 574  |      | Preble..... | 278  | 310 | 387 | 495 | 553 |  | Williams..... | 262 | 310 | 387 | 495 | 553 |
| Darke.....               | 288 | 310 | 390 | 495 | 553 |   | Defiance.....  | 274  | 310  | 410  | 516 | 574                      |  | Hocking.....  | 262 | 310 | 387 | 495 | 553  |      | Ross.....   | 303  | 316 | 387 | 495 | 553 |  |               | 279 | 310 | 387 | 495 | 553 |
| Erie.....                | 262 | 349 | 436 | 588 | 713 |   | Fayette.....   | 285  | 310  | 387  | 495 | 553                      |  | Huron.....    | 303 | 330 | 412 | 543 | 578  |      | Scioto..... | 262  | 310 | 387 | 495 | 553 |  |               |     |     |     |     |     |
|                          |     |     |     |     |     |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Gallia.....              | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Hancock.....             | 332 | 336 | 425 | 543 | 594 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Harrison.....            | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Highland.....            | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Holmes.....              | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
|                          |     |     |     |     |     |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Jackson.....             | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Logan.....               | 307 | 311 | 402 | 541 | 563 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Meigs.....               | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Monroe.....              | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Morrow.....              | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
|                          |     |     |     |     |     |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Noble.....               | 262 | 310 | 387 | 495 | 561 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Paulding.....            | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Pike.....                | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Putnam.....              | 272 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Sandusky.....            | 262 | 340 | 436 | 549 | 608 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
|                          |     |     |     |     |     |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Seneca.....              | 263 | 310 | 387 | 499 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Tuscarawas.....          | 262 | 310 | 406 | 508 | 569 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Van Wert.....            | 262 | 314 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Wayne.....               | 262 | 347 | 426 | 541 | 596 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |
| Wyandot.....             | 262 | 310 | 387 | 495 | 553 |   |                |      |      |      |     |                          |  |               |     |     |     |     |      |      |             |      |     |     |     |     |  |               |     |     |     |     |     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## O K L A H O M A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Enid, OK MSA..... 276 280 371 517 590 Garfield  
 Fort Smith, AR-OK MSA..... 282 286 376 504 528 Sequoyah  
 Lawton, OK MSA..... 341 343 437 607 664 Comanche  
 Oklahoma City, OK MSA..... 293 319 414 577 645 Canadian, Cleveland, Logan, McClain, Oklahoma  
 Tulsa, OK MSA..... 309 370 484 675 796 Pottawatomie  
 Tulsa, Oklahoma, Rogers, Tulsa, Wagoner

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Adair..... 237 272 339 451 518 Alfalfa..... 237 272 339 451 518  
 Atoka..... 237 272 339 451 518 Beaver..... 237 272 339 451 518  
 Beckham..... 241 272 339 451 518 Blaine..... 237 272 339 451 518  
 Bryan..... 237 272 339 451 518 Caddo..... 237 272 339 451 518  
 Carter..... 237 274 342 476 518 Cherokee..... 249 281 339 451 525  
 Choctaw..... 237 272 339 451 518 Cimarron..... 237 272 339 451 518  
 Coal..... 237 272 339 451 518 Cotton..... 237 272 339 451 518  
 Craig..... 237 272 339 463 547 Custer..... 237 272 347 483 558  
 Delaware..... 237 272 339 451 527 Dewey..... 237 272 339 451 518  
 Ellis..... 237 272 339 451 518 Garvin..... 237 272 339 451 522  
 Grady..... 259 272 351 478 576 Grant..... 237 272 339 451 518  
 Greer..... 237 272 339 451 518 Harmon..... 237 272 339 451 518  
 Harper..... 237 272 339 451 518 Haskell..... 237 272 339 451 518  
 Hughes..... 237 272 339 451 518 Jackson..... 237 307 375 492 555  
 Jefferson..... 237 272 339 451 518 Johnston..... 237 272 339 451 518  
 Kay..... 262 278 365 509 596 Kingfisher..... 237 280 346 454 518  
 Kiowa..... 237 272 339 451 518 Latimer..... 237 272 339 451 518  
 Le Flore..... 237 272 339 451 518 Lincoln..... 254 272 339 451 518  
 Love..... 237 272 343 451 518 McClurtain..... 237 272 339 451 518  
 McIntosh..... 237 272 339 451 518 Major..... 237 285 339 471 518  
 Marshall..... 237 272 339 451 518 Mayes..... 237 276 367 463 518  
 Murray..... 237 272 339 451 518 Muskogee..... 256 289 339 469 518  
 Noble..... 237 272 339 451 518 Nowata..... 237 272 339 451 518  
 Okfuskee..... 237 272 339 451 518 Okmulgee..... 241 272 339 451 518  
 Ottawa..... 255 272 339 451 518 Pawnee..... 267 272 351 452 518  
 Payne..... 274 323 413 571 640 Pittsburg..... 237 272 339 451 518  
 Ponotoc..... 237 272 339 451 518 Pushmataha..... 237 272 339 451 518  
 Roger Mills..... 237 272 339 451 518 Seminole..... 237 272 339 451 518  
 Stephens..... 241 272 339 451 538 Texas..... 237 282 339 452 518  
 Tillman..... 237 272 339 451 518 Washington..... 237 325 396 525 614  
 Washita..... 237 272 339 451 518 Woods..... 237 272 339 451 518  
 Woodward..... 237 272 339 451 518

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## O R E G O N

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS              |     |     |     |     |     |                                                     |   |    |   |    |                                   |
|-------------------------------------|-----|-----|-----|-----|-----|-----------------------------------------------------|---|----|---|----|-----------------------------------|
|                                     | O   | BR  | 1   | BR  | 2   | BR                                                  | 3 | BR | 4 | BR | Counties of FMR AREA within STATE |
| Eugene-Springfield, OR MSA.....     | 318 | 436 | 569 | 794 | 918 | Lane                                                |   |    |   |    |                                   |
| Medford-Ashland, OR MSA.....        | 327 | 429 | 572 | 796 | 888 | Jackson                                             |   |    |   |    |                                   |
| Portland-Vancouver, OR-WA PMSA..... | 387 | 476 | 587 | 817 | 887 | Clackamas, Columbia, Multnomah, Washington, Yamhill |   |    |   |    |                                   |
| Salem, OR PMSA.....                 | 357 | 420 | 538 | 741 | 777 | Marion, Polk                                        |   |    |   |    |                                   |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |     |     |     |     |     |                 |     |     |     |     | O   | BR | 1 | BR | 2 | BR | 3 | BR | 4 | BR |
|--------------------------|-----|-----|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|----|---|----|---|----|---|----|---|----|
| Baker.....               | 294 | 348 | 452 | 622 | 693 | Benton.....     | 310 | 402 | 510 | 768 | 815 |    |   |    |   |    |   |    |   |    |
| Clatsop.....             | 294 | 348 | 456 | 622 | 698 | Coos.....       | 294 | 359 | 476 | 664 | 693 |    |   |    |   |    |   |    |   |    |
| Crook.....               | 294 | 348 | 452 | 622 | 693 | Curry.....      | 294 | 400 | 531 | 679 | 836 |    |   |    |   |    |   |    |   |    |
| Deschutes.....           | 363 | 418 | 559 | 778 | 901 | Douglas.....    | 294 | 348 | 452 | 622 | 741 |    |   |    |   |    |   |    |   |    |
| Gilliam.....             | 294 | 371 | 452 | 622 | 693 | Grant.....      | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Harney.....              | 294 | 348 | 452 | 622 | 693 | Hood River..... | 324 | 364 | 496 | 644 | 761 |    |   |    |   |    |   |    |   |    |
| Jefferson.....           | 294 | 348 | 452 | 622 | 693 | Josephine.....  | 294 | 357 | 459 | 622 | 725 |    |   |    |   |    |   |    |   |    |
| Klamath.....             | 294 | 348 | 452 | 622 | 736 | Lake.....       | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Lincoln.....             | 357 | 362 | 483 | 672 | 730 | Linn.....       | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Malheur.....             | 294 | 348 | 452 | 622 | 693 | Morrow.....     | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Sherman.....             | 294 | 348 | 452 | 622 | 693 | Tillamook.....  | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Umatilla.....            | 294 | 348 | 452 | 622 | 693 | Union.....      | 294 | 348 | 452 | 622 | 693 |    |   |    |   |    |   |    |   |    |
| Walla Walla.....         | 294 | 348 | 452 | 622 | 693 | Wasco.....      | 358 | 443 | 497 | 676 | 759 |    |   |    |   |    |   |    |   |    |
| Wheeler.....             | 294 | 348 | 452 | 622 | 693 |                 |     |     |     |     |     |    |   |    |   |    |   |    |   |    |

## P E N N S Y L V A N I A

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                        |     |     |     |      |      |   |    |   |    |                                                             |
|-----------------------------------------------|-----|-----|-----|------|------|---|----|---|----|-------------------------------------------------------------|
| O                                             | BR  | 1   | BR  | 2    | BR   | 3 | BR | 4 | BR | Counties of FMR AREA within STATE                           |
|                                               | 390 | 528 | 629 | 819  | 920  |   |    |   |    | Carbon, Lehigh, Northampton                                 |
| Allentown-Bethlehem-Easton, PA MSA.....       | 271 | 342 | 412 | 535  | 599  |   |    |   |    | Blair                                                       |
| Altoona, PA MSA.....                          | 270 | 351 | 414 | 535  | 599  |   |    |   |    | Erie                                                        |
| Erie, PA MSA.....                             | 330 | 422 | 541 | 683  | 759  |   |    |   |    | Cumberland, Dauphin, Lebanon, Perry                         |
| Harrisburg-Lebanon-Carlisle, PA MSA.....      | 270 | 342 | 412 | 535  | 599  |   |    |   |    | Cambria, Somerset                                           |
| Johnstown, PA MSA.....                        |     |     |     |      |      |   |    |   |    |                                                             |
| Lancaster, PA MSA.....                        | 354 | 435 | 542 | 707  | 761  |   |    |   |    | Lancaster                                                   |
| Newburgh, NY-PA PMSA.....                     | 505 | 657 | 803 | 1019 | 1163 |   |    |   |    | Pike                                                        |
| Philadelphia, PA-NJ PMSA.....                 | 446 | 549 | 678 | 848  | 1063 |   |    |   |    | Bucks, Chester, Delaware, Montgomery, Philadelphia          |
| Pittsburgh, PA PMSA.....                      | 315 | 387 | 467 | 585  | 653  |   |    |   |    | Allegheny, Beaver, Butler, Fayette, Washington Westmoreland |
|                                               | 281 | 414 | 511 | 639  | 721  |   |    |   |    | Berks                                                       |
| Reading, PA MSA.....                          | 270 | 377 | 451 | 563  | 681  |   |    |   |    | Columbia, Lackawanna, Luzerne, Wyoming                      |
| Scranton--Wilkes-Barre--Hazleton, PA MSA..... | 295 | 342 | 412 | 535  | 599  |   |    |   |    | Mercer                                                      |
| Sharon, PA MSA.....                           | 388 | 474 | 587 | 769  | 823  |   |    |   |    | Centre                                                      |
| State College, PA MSA.....                    | 270 | 344 | 414 | 535  | 599  |   |    |   |    | Lycoming                                                    |
| Williamsport, PA MSA.....                     |     |     |     |      |      |   |    |   |    |                                                             |
| York, PA MSA.....                             | 300 | 412 | 511 | 638  | 714  |   |    |   |    | York                                                        |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## PENNSYLVANIA continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                     |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|---------------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1                | BR 2 | BR 3 | BR 4 |     |     |
| Adams.....               | 269  | 361  | 480  | 621  | 787                      | Armstrong.....      | 273  | 360  | 410  | 534 | 672 |
| Bedford.....             | 269  | 341  | 410  | 534  | 597                      | Bradford.....       | 269  | 341  | 417  | 544 | 597 |
| Cameron.....             | 269  | 341  | 410  | 534  | 597                      | Clarion.....        | 269  | 341  | 410  | 534 | 597 |
| Clearfield.....          | 269  | 341  | 410  | 534  | 597                      | Clinton.....        | 269  | 341  | 410  | 534 | 597 |
| Crawford.....            | 269  | 341  | 410  | 534  | 597                      | Elk.....            | 269  | 341  | 410  | 534 | 597 |
| Forest.....              | 269  | 341  | 410  | 534  | 597                      | Franklin.....       | 269  | 341  | 415  | 571 | 597 |
| Fulton.....              | 269  | 341  | 410  | 534  | 597                      | Greene.....         | 269  | 341  | 410  | 534 | 597 |
| Huntingdon.....          | 269  | 341  | 410  | 534  | 597                      | Indiana.....        | 308  | 343  | 410  | 534 | 597 |
| Jefferson.....           | 269  | 341  | 410  | 534  | 597                      | Juniata.....        | 269  | 341  | 410  | 534 | 597 |
| Lawrence.....            | 269  | 341  | 410  | 534  | 597                      | Mc Kean.....        | 269  | 343  | 410  | 534 | 597 |
| Mifflin.....             | 298  | 341  | 410  | 534  | 597                      | Monroe.....         | 429  | 512  | 632  | 865 | 966 |
| Montour.....             | 318  | 341  | 429  | 597  | 705                      | Northumberland..... | 284  | 359  | 438  | 583 | 648 |
| Potter.....              | 269  | 341  | 410  | 534  | 597                      | Schuylkill.....     | 269  | 341  | 425  | 534 | 597 |
| Snyder.....              | 324  | 341  | 411  | 534  | 597                      | Sullivan.....       | 269  | 341  | 410  | 534 | 597 |
| Susquehanna.....         | 322  | 341  | 410  | 534  | 633                      | Tioga.....          | 269  | 341  | 410  | 534 | 597 |
| Union.....               | 325  | 430  | 538  | 673  | 752                      | Venango.....        | 269  | 341  | 410  | 534 | 597 |
| Warren.....              | 269  | 341  | 410  | 534  | 597                      | Wayne.....          | 270  | 417  | 491  | 625 | 803 |

## RHODE ISLAND

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS                                   |      |      |      |      |                                     |
|----------------------------------------------------------|------|------|------|------|-------------------------------------|
| O                                                        | BR 1 | BR 2 | BR 3 | BR 4 | Components of FMR AREA within STATE |
| New London-Norwich, CT-RI MSA.....                       | 476  | 575  | 700  | 877  | 1002                                |
| Providence-Fall River-Warwick, RI-MA PMSA.....           | 393  | 534  | 642  | 805  | 992                                 |
| Kent county towns of Coventry town, East Greenwich tow   |      |      |      |      |                                     |
| Warwick city, West Greenwich tow, West Warwick town      |      |      |      |      |                                     |
| Newport county towns of Jamestown town                   |      |      |      |      |                                     |
| Little Compton tow, Tiverton town                        |      |      |      |      |                                     |
| providence county towns of Burrillville town             |      |      |      |      |                                     |
| Central Falls city, Cranston city, Cumberland town       |      |      |      |      |                                     |
| East Providence ci, Foster town, Gloucester town         |      |      |      |      |                                     |
| Johnston town, Lincoln town, North Providence t          |      |      |      |      |                                     |
| North Smithfield t, Pawtucket city, Providence city      |      |      |      |      |                                     |
| Scituate town, Smithfield town, Woonsocket city          |      |      |      |      |                                     |
| Washington county towns of Charlestown town, Exeter town |      |      |      |      |                                     |
| Narragansett town, North Kingstown to, Richmond town     |      |      |      |      |                                     |
| South Kingstown to                                       |      |      |      |      |                                     |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## R H O D E I S L A N D continued

## NONMETROPOLITAN COUNTIES

|                 | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Towns within non metropolitan counties         |
|-----------------|-----|------|------|------|------|----|------------------------------------------------|
| Newport.....    | 526 | 613  | 787  | 984  | 1101 |    | Middletown town, Newport city, Portsmouth town |
| Washington..... | 622 | 699  | 786  | 1014 | 1117 |    | New Shoreham town                              |

## S O U T H C A R O L I N A

## METROPOLITAN FMR AREAS

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|--|---|------|------|------|------|----|-----------------------------------|
|--|---|------|------|------|------|----|-----------------------------------|

|                                              |     |     |     |     |     |  |                                                      |
|----------------------------------------------|-----|-----|-----|-----|-----|--|------------------------------------------------------|
| Augusta-Aiken, GA-SC MSA.....                | 331 | 396 | 466 | 634 | 750 |  | Aiken, Edgefield                                     |
| Charleston-North Charleston, SC MSA.....     | 372 | 431 | 495 | 658 | 767 |  | Berkeley, Charleston, Dorchester                     |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA..... | 403 | 454 | 511 | 674 | 807 |  | York                                                 |
| Columbia, SC MSA.....                        | 399 | 439 | 505 | 667 | 767 |  | Lexington, Richland                                  |
| Florence, SC MSA.....                        | 302 | 336 | 436 | 545 | 610 |  | Florence                                             |
| Greenville-Spartanburg-Anderson, SC MSA..... | 328 | 397 | 449 | 565 | 664 |  | Anderson, Cherokee, Greenville, Pickens, Spartanburg |
| Myrtle Beach, SC MSA.....                    | 391 | 398 | 509 | 637 | 714 |  | Horry                                                |
| Sumter, SC MSA.....                          | 318 | 353 | 402 | 550 | 652 |  | Sumter                                               |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                 |     |     |     |     |     |                   |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|-------------------|-----|-----|-----|-----|-----|
| Abbeville.....  | 274 | 320 | 389 | 499 | 571 | Allendale.....    | 274 | 320 | 389 | 499 | 571 |
| Bamberg.....    | 274 | 320 | 389 | 499 | 571 | Barnwell.....     | 289 | 320 | 391 | 499 | 571 |
| Beaufort.....   | 392 | 481 | 554 | 691 | 774 | Calhoun.....      | 274 | 320 | 389 | 499 | 571 |
| Chester.....    | 274 | 320 | 389 | 499 | 571 | Chesterfield..... | 274 | 320 | 389 | 499 | 571 |
| Clarendon.....  | 274 | 320 | 389 | 499 | 571 | Colleton.....     | 274 | 320 | 389 | 499 | 571 |
| Darlington..... | 274 | 320 | 389 | 499 | 571 | Dillon.....       | 274 | 320 | 389 | 499 | 571 |
| Fairfield.....  | 274 | 368 | 419 | 523 | 585 | Georgetown.....   | 274 | 348 | 392 | 499 | 595 |
| Greenwood.....  | 275 | 320 | 389 | 499 | 571 | Hampton.....      | 274 | 320 | 389 | 499 | 571 |
| Jasper.....     | 274 | 320 | 389 | 499 | 571 | Kershaw.....      | 274 | 320 | 389 | 499 | 571 |
| Lancaster.....  | 288 | 321 | 389 | 499 | 571 | Laurens.....      | 274 | 320 | 389 | 499 | 571 |
| Lee.....        | 274 | 320 | 389 | 499 | 571 | McCormick.....    | 274 | 320 | 389 | 499 | 609 |
| Marion.....     | 274 | 320 | 389 | 499 | 571 | Marlboro.....     | 274 | 320 | 389 | 499 | 571 |
| Newberry.....   | 274 | 320 | 389 | 499 | 571 | Oconee.....       | 274 | 320 | 389 | 499 | 571 |
| Orangeburg..... | 274 | 320 | 389 | 499 | 571 | Saluda.....       | 274 | 320 | 389 | 499 | 571 |
| Union.....      | 274 | 320 | 389 | 499 | 571 | Williamsburg..... | 274 | 320 | 389 | 499 | 571 |

## S O U T H D A K O T A

## METROPOLITAN FMR AREAS

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|--|---|------|------|------|------|----|-----------------------------------|
|--|---|------|------|------|------|----|-----------------------------------|

|                          |     |     |     |     |     |  |                    |
|--------------------------|-----|-----|-----|-----|-----|--|--------------------|
| Rapid City, SD MSA.....  | 311 | 370 | 493 | 670 | 810 |  | Pennington         |
| Sioux Falls, SD MSA..... | 301 | 416 | 527 | 667 | 766 |  | Lincoln, Minnehaha |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## S O U T H D A K O T A continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1           | BR 2 | BR 3 | BR 4 |     |     |
| Aurora.....              | 234  | 312  | 388  | 514  | 595                      | Beadle.....    | 234  | 310  | 388  | 514 | 595 |
| Bennett.....             | 234  | 310  | 388  | 514  | 595                      | Bon Homme..... | 260  | 310  | 388  | 514 | 595 |
| Brookings.....           | 251  | 396  | 439  | 593  | 700                      | Brown.....     | 234  | 310  | 388  | 514 | 595 |
| Brule.....               | 234  | 310  | 388  | 514  | 595                      | Buffalo.....   | 234  | 310  | 388  | 514 | 601 |
| Butte.....               | 268  | 367  | 488  | 637  | 752                      | Campbell.....  | 234  | 310  | 388  | 514 | 595 |
| Charles Mix.....         | 234  | 310  | 388  | 514  | 595                      | Clark.....     | 234  | 310  | 388  | 514 | 595 |
| Clay.....                | 234  | 310  | 388  | 514  | 638                      | Codington..... | 234  | 310  | 388  | 514 | 595 |
| Corson.....              | 234  | 310  | 388  | 514  | 595                      | Custer.....    | 234  | 310  | 388  | 514 | 595 |
| Davison.....             | 245  | 310  | 388  | 521  | 595                      | Day.....       | 261  | 310  | 388  | 514 | 595 |
| Deuel.....               | 234  | 310  | 388  | 514  | 595                      | Dewey.....     | 234  | 310  | 388  | 514 | 595 |
| Douglas.....             | 260  | 310  | 388  | 514  | 595                      | Edmunds.....   | 234  | 310  | 388  | 514 | 595 |
| Fall River.....          | 265  | 310  | 388  | 514  | 595                      | Faulk.....     | 234  | 310  | 410  | 514 | 595 |
| Grant.....               | 234  | 310  | 388  | 514  | 595                      | Gregory.....   | 235  | 310  | 388  | 514 | 595 |
| Haakon.....              | 234  | 317  | 388  | 514  | 595                      | Hamlin.....    | 234  | 310  | 388  | 514 | 595 |
| Hand.....                | 234  | 310  | 388  | 514  | 595                      | Hanson.....    | 237  | 324  | 433  | 543 | 608 |
| Harding.....             | 234  | 317  | 388  | 514  | 595                      | Hughes.....    | 258  | 310  | 410  | 540 | 638 |
| Hutchinson.....          | 234  | 310  | 388  | 514  | 595                      | Hyde.....      | 234  | 315  | 388  | 514 | 595 |
| Jackson.....             | 234  | 314  | 388  | 514  | 595                      | Jerauld.....   | 234  | 312  | 388  | 514 | 595 |
| Jones.....               | 234  | 310  | 388  | 514  | 595                      | Kingsbury..... | 256  | 310  | 388  | 514 | 595 |
| Lake.....                | 234  | 314  | 388  | 514  | 595                      | Lawrence.....  | 266  | 385  | 485  | 664 | 751 |
| Lyman.....               | 234  | 310  | 388  | 514  | 595                      | McCook.....    | 234  | 310  | 388  | 514 | 595 |
| McPherson.....           | 234  | 310  | 388  | 514  | 595                      | Marshall.....  | 275  | 310  | 388  | 514 | 595 |
| Meade.....               | 328  | 370  | 493  | 646  | 763                      | Mellette.....  | 278  | 314  | 388  | 514 | 595 |
| Miner.....               | 234  | 314  | 388  | 514  | 595                      | Moody.....     | 234  | 310  | 388  | 514 | 595 |
| Perkins.....             | 234  | 310  | 388  | 514  | 595                      | Potter.....    | 234  | 310  | 388  | 514 | 595 |
| Roberts.....             | 234  | 310  | 388  | 514  | 595                      | Sanborn.....   | 234  | 310  | 388  | 514 | 595 |
| Shannon.....             | 234  | 314  | 388  | 514  | 595                      | Spink.....     | 255  | 310  | 395  | 514 | 595 |
| Stanley.....             | 234  | 317  | 388  | 514  | 595                      | Sully.....     | 234  | 310  | 388  | 514 | 595 |
| Todd.....                | 259  | 310  | 388  | 514  | 595                      | Tripp.....     | 234  | 310  | 388  | 514 | 595 |
| Turner.....              | 234  | 310  | 388  | 514  | 595                      | Union.....     | 246  | 310  | 388  | 514 | 595 |
| Walworth.....            | 234  | 317  | 388  | 514  | 595                      | Yankton.....   | 234  | 310  | 388  | 514 | 595 |
| Ziebach.....             | 234  | 310  | 388  | 514  | 595                      |                |      |      |      |     |     |

## T E N N E S S E E

## METROPOLITAN FMR AREAS

## O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                          |     |     |     |     |     |                  |
|------------------------------------------|-----|-----|-----|-----|-----|------------------|
| Chattanooga, TN-GA MSA.....              | 318 | 373 | 447 | 577 | 658 | Hamilton, Marion |
| Clarksville-Hopkinsville, TN-KY MSA..... | 313 | 351 | 411 | 561 | 576 | Montgomery       |
| Jackson, TN MSA.....                     | 243 | 319 | 428 | 593 | 597 | Madison          |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 44

## T E N E S S E E continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Johnson City-Kingsport-Bristol, TN-VA MSA..... 248 287 366 475 540 Carter, Hawkins, Sullivan, Unicoi, Washington  
 Knoxville, TN MSA..... 281 347 434 579 696 Anderson, Blount, Knox, Loudon, Sevier, Union  
 Memphis, TN-AR-MS MSA..... 321 374 440 611 642 Fayette, Shelby, Tipton  
 Nashville, TN MSA..... 357 426 526 717 806 Cheatham, Davidson, Dickson, Robertson, Rutherford  
 Sumner, Williamson, Wilson

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Bedford..... 227 293 357 450 500 Benton..... 245 279 337 442 495  
 Bledsoe..... 227 266 337 442 495 Bradley..... 227 287 383 518 629  
 Campbell..... 229 266 337 442 495 Cannon..... 227 266 337 442 495  
 Carroll..... 227 276 337 442 495 Chester..... 227 266 337 442 495  
 Claiborne..... 227 266 337 442 495 Clay..... 231 266 337 442 495  
 Cocke..... 227 266 337 442 495 Coffee..... 227 317 356 495 564  
 Crockett..... 227 266 337 442 495 Cumberland..... 240 266 348 486 495  
 Decatur..... 227 266 337 442 495 Dekalb..... 227 266 337 442 495  
 Dyer..... 284 288 384 480 598 Fentress..... 227 266 337 442 495  
 Franklin..... 238 266 337 463 544 Gibson..... 227 266 337 442 495  
 Giles..... 227 290 358 448 501 Grainger..... 231 266 337 442 495  
 Greene..... 227 266 337 442 495 Grundy..... 227 266 337 442 495  
 Hamblen..... 227 267 350 467 495 Hancock..... 227 266 337 442 495  
 Hardeman..... 227 266 337 442 495 Hardin..... 227 266 337 442 495  
 Haywood..... 239 277 370 463 518 Henderson..... 227 266 337 442 495  
 Henry..... 227 266 337 442 495 Hickman..... 268 272 361 476 505  
 Houston..... 227 266 337 442 495 Humphreys..... 227 277 337 442 495  
 Jackson..... 227 266 337 442 495 Jefferson..... 248 266 345 442 549  
 Johnson..... 227 266 337 442 495 Lake..... 227 266 337 442 495  
 Lauderdale..... 227 266 339 442 495 Lawrence..... 227 266 337 442 495  
 Lewis..... 227 266 337 442 495 Lincoln..... 227 266 340 442 495  
 McMinn..... 227 266 337 444 495 McNairy..... 227 266 337 442 495  
 Macon..... 227 266 337 442 495 Marshall..... 267 292 380 480 533  
 Maury..... 326 333 442 555 619 Meigs..... 227 266 337 442 495  
 Monroe..... 227 266 337 442 495 Moore..... 227 266 337 442 495  
 Morgan..... 227 266 337 442 495 Obion..... 263 267 342 453 495  
 Overton..... 227 266 337 442 495 Perry..... 227 268 337 442 495  
 Pickett..... 227 266 337 442 495 Polk..... 227 266 337 442 495  
 Putnam..... 276 279 358 492 531 Rhea..... 227 284 337 447 495  
 Roane..... 245 266 337 452 544 Scott..... 227 266 337 442 495  
 Sequatchie..... 227 266 337 442 495 Smith..... 227 266 337 442 495  
 Stewart..... 227 266 337 442 495 Trousdale..... 227 279 371 466 610  
 Van Buren..... 227 266 337 442 495 Warren..... 253 266 344 442 495

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E N E S E E continued

| NONMETROPOLITAN COUNTIES                      |      |      |      |      | NONMETROPOLITAN COUNTIES          |                                                          |      |      |      |     |      |      |      |      |
|-----------------------------------------------|------|------|------|------|-----------------------------------|----------------------------------------------------------|------|------|------|-----|------|------|------|------|
| O                                             | BR 1 | BR 2 | BR 3 | BR 4 | O                                 | BR 1                                                     | BR 2 | BR 3 | BR 4 |     |      |      |      |      |
| Wayne.....                                    | 227  | 266  | 337  | 442  | 495                               | Weakley.....                                             | 246  | 266  | 337  | 442 | 495  |      |      |      |
| White.....                                    | 231  | 266  | 337  | 442  | 495                               |                                                          |      |      |      |     |      |      |      |      |
| T E X A S                                     |      |      |      |      |                                   |                                                          |      |      |      |     |      |      |      |      |
| METROPOLITAN FMR AREAS                        |      |      |      |      | Counties of FMR AREA within STATE |                                                          |      |      |      |     |      |      |      |      |
| O                                             | BR 1 | BR 2 | BR 3 | BR 4 | O                                 | BR 1                                                     | BR 2 | BR 3 | BR 4 | O   | BR 1 | BR 2 | BR 3 | BR 4 |
| Abilene, TX MSA.....                          | 273  | 301  | 393  | 530  | 644                               | Taylor                                                   |      |      |      |     |      |      |      |      |
| Amarillo, TX MSA.....                         | 261  | 332  | 413  | 577  | 680                               | Potter, Randall                                          |      |      |      |     |      |      |      |      |
| Austin-San Marcos, TX MSA.....                | 395  | 477  | 636  | 883  | 1043                              | Bastrop, Caldwell, Hays, Travis, Williamson              |      |      |      |     |      |      |      |      |
| Beaumont-Port Arthur, TX MSA.....             | 300  | 362  | 442  | 585  | 620                               | Hardin, Jefferson, Orange                                |      |      |      |     |      |      |      |      |
| Brazoria, TX PMSA.....                        | 419  | 467  | 584  | 814  | 958                               | Brazoria                                                 |      |      |      |     |      |      |      |      |
| Brownsville-Harlingen-San Benito, TX MSA..... | 315  | 397  | 496  | 621  | 774                               | Cameron                                                  |      |      |      |     |      |      |      |      |
| Bryan-College Station, TX MSA.....            | 351  | 408  | 516  | 719  | 847                               | Brazos                                                   |      |      |      |     |      |      |      |      |
| Corpus Christi, TX MSA.....                   | 328  | 403  | 515  | 700  | 828                               | Nuecas, San Patricio                                     |      |      |      |     |      |      |      |      |
| Dallas, TX.....                               | 397  | 456  | 586  | 811  | 959                               | Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall   |      |      |      |     |      |      |      |      |
| El Paso, TX MSA.....                          | 370  | 414  | 491  | 681  | 805                               | El Paso                                                  |      |      |      |     |      |      |      |      |
| Fort Worth-Arlington, TX PMSA.....            | 380  | 413  | 537  | 747  | 882                               | Hood, Johnson, Parker, Tarrant                           |      |      |      |     |      |      |      |      |
| Galveston-Texas City, TX PMSA.....            | 412  | 423  | 531  | 738  | 870                               | Galveston                                                |      |      |      |     |      |      |      |      |
| Henderson County, TX.....                     | 272  | 323  | 395  | 540  | 648                               | Henderson                                                |      |      |      |     |      |      |      |      |
| Houston, TX PMSA.....                         | 390  | 437  | 567  | 788  | 929                               | Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller |      |      |      |     |      |      |      |      |
| Killeen-Temple, TX MSA.....                   | 369  | 384  | 486  | 677  | 743                               | Bell, Coryell                                            |      |      |      |     |      |      |      |      |
| Laredo, TX MSA.....                           | 299  | 344  | 452  | 565  | 635                               | Webb                                                     |      |      |      |     |      |      |      |      |
| Longview-Marshall, TX MSA.....                | 296  | 334  | 410  | 558  | 610                               | Gregg, Harrison, Upshur                                  |      |      |      |     |      |      |      |      |
| Lubbock, TX MSA.....                          | 283  | 358  | 466  | 648  | 718                               | Lubbock                                                  |      |      |      |     |      |      |      |      |
| Mc Allen-Edinburg-Mission, TX MSA.....        | 261  | 359  | 411  | 514  | 577                               | Hidalgo                                                  |      |      |      |     |      |      |      |      |
| Odessa-Midland, TX MSA.....                   | 283  | 327  | 437  | 608  | 704                               | Ector, Midland                                           |      |      |      |     |      |      |      |      |
| San Angelo, TX MSA.....                       | 261  | 336  | 408  | 559  | 660                               | Tom Green                                                |      |      |      |     |      |      |      |      |
| San Antonio, TX MSA.....                      | 346  | 399  | 517  | 719  | 849                               | Bexar, Comal, Guadalupe, Wilson                          |      |      |      |     |      |      |      |      |
| Sherman-Denison, TX MSA.....                  | 261  | 359  | 434  | 554  | 663                               | Grayson                                                  |      |      |      |     |      |      |      |      |
| Texarkana, TX-Texarkana, AR MSA.....          | 286  | 350  | 427  | 563  | 597                               | Bowie                                                    |      |      |      |     |      |      |      |      |
| Tyler, TX MSA.....                            | 329  | 363  | 444  | 616  | 651                               | Smith                                                    |      |      |      |     |      |      |      |      |
| Victoria, TX MSA.....                         | 325  | 329  | 415  | 578  | 651                               | Victoria                                                 |      |      |      |     |      |      |      |      |
| Waco, TX MSA.....                             | 286  | 351  | 462  | 615  | 647                               | McLennan                                                 |      |      |      |     |      |      |      |      |
| Wichita Falls, TX MSA.....                    | 315  | 353  | 425  | 566  | 667                               | Archer, Wichita                                          |      |      |      |     |      |      |      |      |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E X A S continued

| NONMETROPOLITAN COUNTIES |     |     |     |     | NONMETROPOLITAN COUNTIES |                |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|--------------------------|----------------|-----|-----|-----|-----|-----|
| O                        | BR  | 1   | BR  | 2   | BR                       | 3              | BR  | 4   | BR  |     |     |
| Anderson.....            | 316 | 356 | 400 | 556 | 562                      | Andrews.....   | 263 | 304 | 367 | 492 | 562 |
| Angelina.....            | 288 | 333 | 376 | 522 | 615                      | Aransas.....   | 263 | 324 | 432 | 601 | 605 |
| Armstrong.....           | 263 | 304 | 398 | 499 | 562                      | Atascosa.....  | 263 | 304 | 367 | 492 | 562 |
| Austin.....              | 263 | 304 | 367 | 503 | 562                      | Bailey.....    | 263 | 304 | 367 | 492 | 562 |
| Bandera.....             | 283 | 304 | 367 | 499 | 562                      | Baylor.....    | 263 | 304 | 367 | 492 | 562 |
| Bee.....                 | 263 | 304 | 367 | 492 | 562                      | Blanco.....    | 263 | 304 | 389 | 541 | 570 |
| Borden.....              | 263 | 304 | 367 | 492 | 562                      | Bosque.....    | 263 | 304 | 367 | 492 | 562 |
| Brewster.....            | 263 | 304 | 367 | 496 | 594                      | Briscoe.....   | 263 | 304 | 367 | 492 | 562 |
| Brooks.....              | 263 | 304 | 367 | 492 | 562                      | Brown.....     | 263 | 304 | 368 | 494 | 604 |
| Burleson.....            | 263 | 304 | 386 | 522 | 635                      | Burnet.....    | 263 | 304 | 375 | 521 | 609 |
| Calhoun.....             | 282 | 304 | 367 | 508 | 601                      | Callahan.....  | 263 | 304 | 367 | 492 | 562 |
| Camp.....                | 356 | 361 | 451 | 565 | 631                      | Carson.....    | 263 | 304 | 367 | 492 | 562 |
| Cass.....                | 263 | 304 | 367 | 492 | 562                      | Castro.....    | 265 | 304 | 367 | 492 | 562 |
| Cherokee.....            | 294 | 305 | 374 | 492 | 562                      | Childress..... | 263 | 304 | 367 | 492 | 562 |
| Clay.....                | 263 | 310 | 367 | 492 | 573                      | Cochran.....   | 263 | 304 | 367 | 492 | 562 |
| Coke.....                | 263 | 304 | 367 | 492 | 562                      | Coleman.....   | 263 | 304 | 367 | 492 | 562 |
| Collingsworth.....       | 263 | 304 | 367 | 492 | 562                      | Colorado.....  | 263 | 304 | 367 | 492 | 562 |
| Comanche.....            | 263 | 304 | 367 | 492 | 562                      | Concho.....    | 263 | 304 | 367 | 492 | 562 |
| Cooke.....               | 286 | 304 | 387 | 525 | 582                      | Cottle.....    | 263 | 304 | 367 | 492 | 562 |
| Crane.....               | 263 | 304 | 367 | 492 | 562                      | Crockett.....  | 263 | 304 | 367 | 492 | 562 |
| Crosby.....              | 263 | 304 | 367 | 492 | 562                      | Culberson..... | 263 | 304 | 367 | 492 | 562 |
| Dallam.....              | 263 | 304 | 367 | 492 | 562                      | Dawson.....    | 263 | 304 | 367 | 492 | 562 |
| Deaf Smith.....          | 263 | 304 | 367 | 492 | 571                      | Delta.....     | 263 | 315 | 367 | 492 | 562 |
| Dewitt.....              | 263 | 304 | 367 | 492 | 562                      | Dickens.....   | 263 | 304 | 367 | 492 | 562 |
| Dimmit.....              | 263 | 304 | 367 | 492 | 562                      | Donley.....    | 263 | 304 | 367 | 492 | 562 |
| Duval.....               | 263 | 304 | 367 | 492 | 562                      | Eastland.....  | 263 | 304 | 367 | 492 | 562 |
| Edwards.....             | 263 | 304 | 367 | 492 | 562                      | Erath.....     | 273 | 309 | 400 | 518 | 562 |
| Falls.....               | 263 | 304 | 367 | 492 | 562                      | Fannin.....    | 267 | 304 | 367 | 494 | 562 |
| Fayette.....             | 263 | 304 | 367 | 492 | 562                      | Fisher.....    | 263 | 304 | 367 | 492 | 562 |
| Floyd.....               | 263 | 304 | 367 | 492 | 562                      | Foard.....     | 263 | 304 | 367 | 492 | 562 |
| Franklin.....            | 263 | 304 | 367 | 508 | 562                      | Freestone..... | 263 | 304 | 367 | 492 | 562 |
| Frio.....                | 263 | 304 | 367 | 492 | 562                      | Gaines.....    | 269 | 304 | 367 | 492 | 562 |
| Garza.....               | 263 | 304 | 367 | 492 | 562                      | Gillespie..... | 263 | 331 | 430 | 591 | 603 |
| Glasscock.....           | 263 | 304 | 367 | 492 | 562                      | Goliad.....    | 263 | 304 | 367 | 492 | 562 |
| Gonzales.....            | 263 | 304 | 367 | 492 | 562                      | Gray.....      | 289 | 304 | 391 | 492 | 580 |
| Grimes.....              | 263 | 304 | 367 | 496 | 585                      | Hale.....      | 263 | 304 | 367 | 492 | 562 |
| Hall.....                | 263 | 304 | 367 | 492 | 562                      | Hamilton.....  | 263 | 304 | 367 | 492 | 562 |
| Hansford.....            | 263 | 304 | 367 | 492 | 576                      | Hardeman.....  | 263 | 304 | 367 | 492 | 562 |
| Hartley.....             | 263 | 304 | 367 | 492 | 562                      | Haskell.....   | 263 | 304 | 367 | 492 | 562 |
| Hemphill.....            | 263 | 339 | 380 | 529 | 562                      | Hill.....      | 263 | 304 | 367 | 492 | 562 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E X A S continued

| NONMETROPOLITAN COUNTIES |     | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|-----|------|------|------|------|----|
| Hockley.....             | 269 | 314 | 367  | 497  | 562  |      |    |
| Houston.....             | 263 | 304 | 367  | 492  | 562  |      |    |
| Hudspeth.....            | 317 | 358 | 400  | 502  | 659  |      |    |
| Irion.....               | 263 | 304 | 367  | 492  | 562  |      |    |
| Jackson.....             | 263 | 305 | 367  | 492  | 562  |      |    |
| Jeff Davis.....          | 263 | 304 | 367  | 492  | 562  |      |    |
| Jim Wells.....           | 263 | 304 | 367  | 492  | 569  |      |    |
| Karnes.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Kenedy.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Kerr.....                | 263 | 341 | 426  | 593  | 699  |      |    |
| King.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| Kleberg.....             | 320 | 331 | 404  | 565  | 665  |      |    |
| Lamar.....               | 263 | 327 | 385  | 537  | 635  |      |    |
| Lampasas.....            | 263 | 304 | 367  | 499  | 589  |      |    |
| Lavaca.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Leon.....                | 263 | 338 | 379  | 492  | 623  |      |    |
| Lipscomb.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Llano.....               | 263 | 339 | 451  | 566  | 742  |      |    |
| Lynn.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| McMullen.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Marion.....              | 263 | 304 | 367  | 492  | 582  |      |    |
| Mason.....               | 263 | 304 | 367  | 492  | 562  |      |    |
| Maverick.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Menard.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Mills.....               | 263 | 304 | 367  | 492  | 562  |      |    |
| Montague.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Morris.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Nacogdoches.....         | 278 | 335 | 435  | 543  | 641  |      |    |
| Newton.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Ochiltree.....           | 263 | 304 | 367  | 492  | 562  |      |    |
| Palo Pinto.....          | 263 | 304 | 367  | 492  | 584  |      |    |
| Parmer.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Polk.....                | 294 | 321 | 374  | 503  | 611  |      |    |
| Rains.....               | 263 | 341 | 412  | 572  | 576  |      |    |
| Real.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| Reeves.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Roberts.....             | 263 | 307 | 367  | 492  | 562  |      |    |
| Runnels.....             | 263 | 304 | 367  | 492  | 562  |      |    |
| Sabine.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| San Jacinto.....         | 276 | 311 | 367  | 492  | 574  |      |    |

| NONMETROPOLITAN COUNTIES |     | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|-----|------|------|------|------|----|
| Hopkins.....             | 307 | 330 | 389  | 541  | 582  |      |    |
| Howard.....              | 281 | 304 | 367  | 496  | 562  |      |    |
| Hutchinson.....          | 263 | 304 | 380  | 529  | 625  |      |    |
| Jack.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| Jasper.....              | 263 | 304 | 375  | 499  | 613  |      |    |
| Jim Hogg.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Jones.....               | 263 | 304 | 367  | 492  | 562  |      |    |
| Kendall.....             | 263 | 385 | 432  | 601  | 710  |      |    |
| Kent.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| Kimble.....              | 263 | 304 | 400  | 501  | 562  |      |    |
| Kinney.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Knox.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| Lamb.....                | 263 | 304 | 367  | 492  | 562  |      |    |
| La Salle.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Lee.....                 | 298 | 335 | 377  | 526  | 590  |      |    |
| Limestone.....           | 263 | 304 | 367  | 492  | 562  |      |    |
| Live Oak.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Loving.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| McCulloch.....           | 271 | 304 | 367  | 492  | 562  |      |    |
| Madison.....             | 263 | 313 | 367  | 492  | 578  |      |    |
| Martin.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Matagorda.....           | 304 | 332 | 412  | 572  | 576  |      |    |
| Medina.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Millam.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Mitchell.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Moore.....               | 263 | 309 | 367  | 492  | 571  |      |    |
| Motley.....              | 263 | 304 | 367  | 492  | 562  |      |    |
| Navarro.....             | 315 | 331 | 399  | 506  | 562  |      |    |
| Nolan.....               | 271 | 304 | 367  | 492  | 562  |      |    |
| Oldham.....              | 263 | 304 | 398  | 499  | 583  |      |    |
| Panola.....              | 263 | 310 | 367  | 492  | 562  |      |    |
| Pecos.....               | 263 | 304 | 367  | 496  | 585  |      |    |
| Presidio.....            | 263 | 304 | 367  | 492  | 562  |      |    |
| Reagan.....              | 335 | 341 | 453  | 569  | 745  |      |    |
| Red River.....           | 263 | 339 | 380  | 492  | 562  |      |    |
| Refugio.....             | 263 | 304 | 367  | 492  | 562  |      |    |
| Robertson.....           | 263 | 348 | 390  | 492  | 562  |      |    |
| Rusk.....                | 275 | 304 | 367  | 492  | 562  |      |    |
| San Augustine.....       | 263 | 304 | 367  | 492  | 562  |      |    |
| San Saba.....            | 263 | 304 | 367  | 492  | 562  |      |    |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## T E X A S continued

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                |      |      |      |     |     |
|--------------------------|------|------|------|------|--------------------------|----------------|------|------|------|-----|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1           | BR 2 | BR 3 | BR 4 |     |     |
| Schleicher.....          | 263  | 304  | 367  | 492  | 562                      | Scurry.....    | 263  | 304  | 381  | 531 | 627 |
| Shackelford.....         | 263  | 304  | 367  | 492  | 562                      | Shelby.....    | 263  | 304  | 367  | 492 | 562 |
| Sherman.....             | 263  | 304  | 367  | 492  | 562                      | Somervell..... | 301  | 339  | 380  | 522 | 562 |
| Starr.....               | 263  | 304  | 367  | 492  | 562                      | Stephens.....  | 263  | 304  | 367  | 492 | 562 |
| Sterling.....            | 263  | 304  | 367  | 492  | 562                      | Stonewall..... | 263  | 304  | 367  | 492 | 562 |
| Sutton.....              | 263  | 304  | 367  | 492  | 562                      | Swisher.....   | 263  | 304  | 367  | 492 | 562 |
| Terrell.....             | 263  | 304  | 367  | 492  | 562                      | Terry.....     | 263  | 304  | 367  | 492 | 562 |
| Throckmorton.....        | 263  | 304  | 367  | 492  | 562                      | Titus.....     | 280  | 347  | 394  | 544 | 562 |
| Trinity.....             | 274  | 309  | 367  | 492  | 562                      | Tyler.....     | 263  | 304  | 392  | 492 | 645 |
| Upton.....               | 263  | 304  | 367  | 492  | 562                      | Uvalde.....    | 263  | 304  | 367  | 492 | 562 |
| Val Verde.....           | 263  | 349  | 411  | 514  | 606                      | Van Zandt..... | 282  | 304  | 381  | 520 | 627 |
| Walker.....              | 355  | 378  | 462  | 614  | 647                      | Ward.....      | 263  | 304  | 367  | 492 | 562 |
| Washington.....          | 327  | 333  | 445  | 556  | 731                      | Wharton.....   | 263  | 304  | 367  | 492 | 562 |
| Wheeler.....             | 263  | 304  | 367  | 492  | 562                      | Wilbarger..... | 263  | 304  | 367  | 492 | 579 |
| Willacy.....             | 263  | 304  | 367  | 492  | 562                      | Winkler.....   | 263  | 304  | 367  | 492 | 562 |
| Wise.....                | 263  | 307  | 369  | 515  | 562                      | Wood.....      | 263  | 304  | 380  | 529 | 625 |
| Yoakum.....              | 263  | 346  | 426  | 532  | 699                      | Young.....     | 263  | 304  | 367  | 492 | 569 |
| Zapata.....              | 263  | 304  | 367  | 492  | 562                      | Zavala.....    | 263  | 304  | 367  | 492 | 562 |

## U T A H

## METROPOLITAN FMR AREAS

## O B R 1 B R 2 B R 3 B R 4 B R Counties of FMR AREA within STATE

|                                   |     |     |     |     |      |                         |     |     |     |     |     |
|-----------------------------------|-----|-----|-----|-----|------|-------------------------|-----|-----|-----|-----|-----|
| Kane County, UT.....              | 273 | 336 | 420 | 562 | 677  | Kane                    |     |     |     |     |     |
| Provo-Orem, UT MSA.....           | 377 | 398 | 493 | 684 | 808  | Utah                    |     |     |     |     |     |
| Salt Lake City-Ogden, UT MSA..... | 328 | 380 | 482 | 670 | 786  | Davis, Salt Lake, Weber |     |     |     |     |     |
| NONMETROPOLITAN COUNTIES          |     |     |     |     |      |                         |     |     |     |     |     |
| Beaver.....                       | 273 | 336 | 420 | 562 | 677  | Box Elder.....          | 303 | 336 | 420 | 562 | 677 |
| Cache.....                        | 273 | 336 | 420 | 562 | 677  | Carbon.....             | 294 | 336 | 420 | 562 | 677 |
| Daggett.....                      | 298 | 407 | 541 | 678 | 760  | Duchesne.....           | 273 | 336 | 420 | 562 | 677 |
| Emery.....                        | 273 | 336 | 420 | 562 | 677  | Garfield.....           | 273 | 336 | 420 | 562 | 677 |
| Grand.....                        | 273 | 336 | 420 | 562 | 677  | Iron.....               | 273 | 372 | 464 | 580 | 682 |
| Juab.....                         | 273 | 336 | 420 | 562 | 677  | Millard.....            | 273 | 336 | 420 | 562 | 677 |
| Morgan.....                       | 273 | 336 | 420 | 562 | 677  | Piute.....              | 273 | 336 | 420 | 562 | 677 |
| Rich.....                         | 273 | 336 | 420 | 562 | 677  | San Juan.....           | 273 | 336 | 420 | 562 | 677 |
| Sanpete.....                      | 273 | 336 | 420 | 562 | 677  | Sevier.....             | 277 | 336 | 420 | 562 | 677 |
| Summit.....                       | 405 | 499 | 624 | 841 | 1023 | Tooele.....             | 273 | 349 | 420 | 562 | 677 |
| Uintah.....                       | 273 | 336 | 420 | 562 | 677  | Wasatch.....            | 273 | 349 | 420 | 562 | 677 |
| Washington.....                   | 337 | 415 | 551 | 736 | 902  | Wayne.....              | 273 | 336 | 420 | 562 | 677 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 49

## V E R M O N T

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Burlington, VT MSA..... 390 478 637 869 1047 Chittenden county towns of Burlington city  
Charlotte town, Colchester town, Essex town  
Hinesburg town, Jericho town, Milton town, Richmond town  
St. George town, Shelburne town, South Burlington c  
Williston town, Winooski city  
Franklin county towns of Fairfax town, Georgia town  
St. Albans city, St. Albans town, Swanton town  
Grand Isle county towns of Grand Isle town  
South Hero town

## NONMETROPOLITAN COUNTIES

O BR 1 BR 2 BR 3 BR 4 BR Towns within non metropolitan counties

Addison..... 369 447 520 724 812  
Bennington..... 344 432 557 708 824  
Caledonia..... 312 372 455 575 659  
Chittenden..... 319 517 582 808 952 Bolton town, Buels gore, Huntington town, Underhill town  
Westford town  
Essex..... 306 366 455 575 659 Bakersfield town, Berkshire town, Enosburg town  
Franklin..... 328 370 455 579 665 Fairfield town, Fletcher town, Franklin town  
Highgate town, Montgomery town, Richford town  
Sheldon town  
Grand Isle..... 306 366 455 575 659 Alburg town, Isle La Motte town, North Hero town  
Lamoille..... 306 423 505 694 795  
Orange..... 306 401 493 651 730  
Orleans..... 306 366 455 575 659  
Rutland..... 343 447 545 684 765  
Washington..... 328 410 549 687 770  
Windham..... 368 427 567 719 792  
Windsor..... 395 446 558 715 849

## V I R G I N I A

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Charlottesville, VA MSA..... 387 457 585 778 873 Albemarle, Fluvanna, Greene, Charlottesville city  
Clarke County, VA..... 290 407 528 724 740 Clarke  
Culpeper County, VA..... 356 520 605 799 956 Culpeper  
Danville, VA MSA..... 274 344 405 544 655 Pittsylvania, Danville city  
Johnson City-Kingsport-Bristol, TN-VA MSA..... 248 287 366 475 540 Scott, Washington, Bristol city  
King George County, VA..... 351 465 523 727 732 King George  
Lynchburg, VA MSA..... 326 358 413 544 655 Amherst, Bedford, Campbell, Bedford city, Lynchburg city  
Norfolk-Virginia Beach-Newport News, VA-NC MSA.. 407 457 542 756 887 Gloucester, Isle of Wight, James City, Mathews, York  
Chesapeake city, Hampton city, Newport News city  
Norfolk city, Poquoson city, Portsmouth city

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895



## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

PAGE 50

## VIRGINIA continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

|                                  |     |     |     |      |      |                                                           |
|----------------------------------|-----|-----|-----|------|------|-----------------------------------------------------------|
| Richmond-Petersburg, VA MSA..... | 409 | 463 | 538 | 749  | 884  | Suffolk city, Virginia Beach city, Williamsburg city      |
| Roanoke, VA MSA.....             | 276 | 344 | 447 | 573  | 715  | Charles City, Chesterfield, Dinwiddie, Goochland, Hanover |
| Warren County, VA.....           | 283 | 387 | 516 | 676  | 845  | Henrico, New Kent, Powhatan, Prince George                |
| Washington, DC-MD-VA.....        | 569 | 646 | 759 | 1033 | 1245 | Colonial Heights city, Hopewell city, Petersburg city     |
|                                  |     |     |     |      |      | Richmond city                                             |
|                                  |     |     |     |      |      | Botetourt, Roanoke, Roanoke city, Salem city              |
|                                  |     |     |     |      |      | Warren                                                    |
|                                  |     |     |     |      |      | Arlington, Fairfax, Loudoun, Prince William, Spotsylvania |
|                                  |     |     |     |      |      | Stafford, Alexandria city, Fairfax city                   |
|                                  |     |     |     |      |      | Falls Church city, Fauquier, Fredericksburg city          |
|                                  |     |     |     |      |      | Manassas city, Manassas Park city                         |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|                     |     |     |     |     |     |                    |     |     |     |     |     |
|---------------------|-----|-----|-----|-----|-----|--------------------|-----|-----|-----|-----|-----|
| Accomack.....       | 324 | 349 | 409 | 542 | 653 | Allegheny.....     | 284 | 343 | 404 | 542 | 653 |
| Amelia.....         | 273 | 343 | 404 | 542 | 653 | Appomattox.....    | 273 | 343 | 404 | 542 | 653 |
| Augusta.....        | 273 | 353 | 428 | 564 | 687 | Bath.....          | 273 | 343 | 404 | 542 | 653 |
| Bland.....          | 273 | 343 | 404 | 542 | 653 | Brunswick.....     | 273 | 343 | 404 | 542 | 653 |
| Buchanan.....       | 273 | 343 | 404 | 542 | 653 | Buckingham.....    | 273 | 343 | 404 | 542 | 653 |
| Caroline.....       | 386 | 391 | 522 | 694 | 731 | Carroll.....       | 273 | 343 | 404 | 542 | 653 |
| Charlotte.....      | 273 | 343 | 404 | 542 | 653 | Craig.....         | 273 | 343 | 404 | 542 | 653 |
| Cumberland.....     | 273 | 373 | 433 | 542 | 653 | Dickenson.....     | 273 | 343 | 404 | 542 | 653 |
| Essex.....          | 273 | 383 | 453 | 629 | 743 | Floyd.....         | 273 | 343 | 404 | 542 | 653 |
| Franklin.....       | 273 | 343 | 404 | 542 | 653 | Frederick.....     | 369 | 426 | 513 | 703 | 842 |
| Giles.....          | 273 | 343 | 404 | 542 | 653 | Grayson.....       | 273 | 343 | 404 | 542 | 653 |
| Greensville.....    | 273 | 353 | 404 | 542 | 653 | Halifax.....       | 273 | 343 | 404 | 542 | 653 |
| Henry.....          | 273 | 343 | 404 | 542 | 653 | Highland.....      | 273 | 343 | 404 | 542 | 653 |
| King and Queen..... | 273 | 391 | 440 | 550 | 653 | King William.....  | 273 | 373 | 419 | 542 | 653 |
| Lancaster.....      | 340 | 382 | 431 | 575 | 700 | Lee.....           | 273 | 343 | 404 | 542 | 653 |
| Louisa.....         | 273 | 355 | 437 | 608 | 653 | Lunenburg.....     | 273 | 343 | 404 | 542 | 653 |
| Madison.....        | 274 | 407 | 457 | 573 | 750 | Mecklenburg.....   | 273 | 343 | 404 | 542 | 653 |
| Middlesex.....      | 273 | 345 | 404 | 542 | 653 | Montgomery.....    | 281 | 368 | 432 | 601 | 710 |
| Nelson.....         | 273 | 343 | 404 | 542 | 653 | Northampton.....   | 273 | 343 | 404 | 542 | 653 |
| Northumberland..... | 273 | 343 | 404 | 542 | 653 | Nottoway.....      | 273 | 343 | 404 | 542 | 653 |
| Orange.....         | 302 | 412 | 550 | 765 | 897 | Page.....          | 317 | 357 | 404 | 542 | 653 |
| Patrick.....        | 273 | 343 | 404 | 542 | 653 | Prince Edward..... | 305 | 345 | 404 | 542 | 653 |
| Pulaski.....        | 273 | 343 | 404 | 542 | 653 | Rappahannock.....  | 277 | 448 | 503 | 699 | 824 |
| Richmond.....       | 273 | 363 | 408 | 542 | 670 | Rockbridge.....    | 273 | 343 | 404 | 542 | 653 |
| Rockingham.....     | 273 | 377 | 478 | 655 | 767 | Russell.....       | 273 | 343 | 404 | 542 | 653 |
| Shenandoah.....     | 359 | 368 | 454 | 628 | 713 | Smyth.....         | 273 | 343 | 404 | 542 | 653 |
| Southampton.....    | 273 | 343 | 404 | 542 | 653 | Surry.....         | 283 | 343 | 404 | 542 | 653 |
| Sussex.....         | 273 | 343 | 404 | 542 | 653 | Tazewell.....      | 273 | 343 | 404 | 542 | 653 |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## V I R G I N I A continued

| NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--------------------------|-----|------|------|------|------|----|--------------------------|-----|------|------|------|------|----|
| Westmoreland.....        | 273 | 368  | 490  | 615  | 797  |    | Wise.....                | 273 | 343  | 404  | 542  | 653  |    |
| Wythe.....               | 285 | 343  | 404  | 542  | 653  |    |                          |     |      |      |      |      |    |

## W A S H I N G T O N

| METROPOLITAN FMR AREAS | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|------------------------|---|------|------|------|------|----|-----------------------------------|
|------------------------|---|------|------|------|------|----|-----------------------------------|

|                                       |     |     |     |     |      |  |                         |
|---------------------------------------|-----|-----|-----|-----|------|--|-------------------------|
| Bellingham, WA MSA.....               | 376 | 488 | 650 | 897 | 1065 |  | Whatcom                 |
| Bremerton, WA MSA.....                | 383 | 441 | 572 | 772 | 939  |  | Kitsap                  |
| Olympia, WA MSA.....                  | 393 | 483 | 603 | 831 | 979  |  | Thurston                |
| Portland-Vancouver, OR-WA MSA.....    | 387 | 476 | 587 | 817 | 887  |  | Clark                   |
| Richland-Kennewick-Pasco, WA MSA..... | 469 | 538 | 643 | 896 | 1052 |  | Benton, Franklin        |
| Seattle-Bellevue-Everett, WA MSA..... | 440 | 535 | 678 | 942 | 1113 |  | Island, King, Snohomish |
| Spokane, WA MSA.....                  | 316 | 436 | 526 | 715 | 800  |  | Spokane                 |
| Tacoma, WA MSA.....                   | 356 | 424 | 565 | 786 | 887  |  | Pierce                  |
| Yakima, WA MSA.....                   | 340 | 418 | 517 | 694 | 725  |  | Yakima                  |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|               |     |     |     |     |     |  |               |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|--|---------------|-----|-----|-----|-----|-----|
| Adams.....    | 298 | 357 | 463 | 613 | 679 |  | Asotin.....   | 298 | 357 | 463 | 613 | 679 |
| Chelan.....   | 298 | 357 | 463 | 613 | 679 |  | Columbia..... | 347 | 430 | 547 | 703 | 769 |
| Columbia..... | 298 | 357 | 463 | 613 | 679 |  | Cowlitz.....  | 335 | 374 | 482 | 669 | 679 |
| Douglas.....  | 348 | 368 | 463 | 613 | 679 |  | Ferry.....    | 298 | 357 | 463 | 613 | 679 |
| Garfield..... | 298 | 357 | 463 | 613 | 679 |  | Grant.....    | 320 | 357 | 463 | 613 | 679 |

|                   |     |     |     |     |     |  |                   |     |     |     |     |     |
|-------------------|-----|-----|-----|-----|-----|--|-------------------|-----|-----|-----|-----|-----|
| Grays Harbor..... | 304 | 357 | 468 | 632 | 729 |  | Jefferson.....    | 298 | 385 | 473 | 642 | 679 |
| Kittitas.....     | 298 | 357 | 463 | 613 | 679 |  | Klickitat.....    | 298 | 357 | 463 | 613 | 679 |
| Lewis.....        | 298 | 357 | 463 | 613 | 679 |  | Lincoln.....      | 298 | 357 | 463 | 613 | 679 |
| Mason.....        | 339 | 420 | 516 | 678 | 729 |  | Okanogan.....     | 298 | 357 | 463 | 613 | 679 |
| Pacific.....      | 298 | 357 | 463 | 613 | 679 |  | Pend Oreille..... | 298 | 357 | 463 | 613 | 816 |

|                |     |     |     |     |      |  |                  |     |     |     |     |     |
|----------------|-----|-----|-----|-----|------|--|------------------|-----|-----|-----|-----|-----|
| San Juan.....  | 368 | 503 | 670 | 883 | 1051 |  | Skagit.....      | 406 | 497 | 585 | 731 | 818 |
| Skamania.....  | 298 | 357 | 463 | 613 | 679  |  | Stevens.....     | 298 | 357 | 463 | 613 | 679 |
| Wahkiakum..... | 298 | 357 | 463 | 613 | 679  |  | Walla Walla..... | 298 | 357 | 463 | 621 | 734 |
| Whitman.....   | 321 | 365 | 487 | 676 | 800  |  |                  |     |     |     |     |     |

## W E S T V I R G I N I A

| METROPOLITAN FMR AREAS | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|------------------------|---|------|------|------|------|----|-----------------------------------|
|------------------------|---|------|------|------|------|----|-----------------------------------|

|                                       |     |     |     |     |     |  |                 |
|---------------------------------------|-----|-----|-----|-----|-----|--|-----------------|
| Berkeley County, WV.....              | 348 | 370 | 441 | 551 | 617 |  | Berkeley        |
| Charleston, WV MSA.....               | 241 | 328 | 415 | 570 | 624 |  | Kanawha, Putnam |
| Cumberland, MD-WV MSA.....            | 314 | 378 | 464 | 617 | 705 |  | Mineral         |
| Huntington-Ashland, WV-KY-OH MSA..... | 261 | 306 | 377 | 481 | 529 |  | Cabell, Wayne   |
| Jefferson County, WV.....             | 352 | 389 | 481 | 625 | 708 |  | Jefferson       |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O80895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## WEST VIRGINIA continued

## METROPOLITAN FMR AREAS

|                                      | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR              | Counties of FMR AREA within STATE |
|--------------------------------------|-----|------|------|------|------|-----------------|-----------------------------------|
| METROPOLITAN FMR AREAS               |     |      |      |      |      |                 |                                   |
| Parkersburg-Marietta, WV-OH MSA..... | 287 | 342  | 392  | 508  | 523  | Wood            |                                   |
| Steubenville-Weirton, OH-WV MSA..... | 266 | 314  | 393  | 502  | 560  | Brooke, Hancock |                                   |
| Wheeling, WV-OH MSA.....             | 292 | 318  | 393  | 502  | 560  | Marshall, Ohio  |                                   |

## NONMETROPOLITAN COUNTIES

| NONMETROPOLITAN COUNTIES |     |     |     |     |     | O | BR 1            | BR 2 | BR 3 | BR 4 | BR  |     |
|--------------------------|-----|-----|-----|-----|-----|---|-----------------|------|------|------|-----|-----|
| Barbour.....             | 241 | 307 | 343 | 442 | 514 |   | Boone.....      | 241  | 295  | 343  | 442 | 514 |
| Braxton.....             | 241 | 295 | 343 | 442 | 514 |   | Calhoun.....    | 241  | 295  | 343  | 442 | 514 |
| Clay.....                | 241 | 295 | 343 | 442 | 514 |   | Doddridge.....  | 250  | 295  | 343  | 442 | 514 |
| Fayette.....             | 241 | 295 | 343 | 442 | 514 |   | Gilmer.....     | 266  | 295  | 343  | 442 | 514 |
| Grant.....               | 241 | 295 | 343 | 442 | 514 |   | Greenbrier..... | 241  | 333  | 356  | 444 | 514 |
| Hampshire.....           | 241 | 295 | 345 | 455 | 514 |   | Hardy.....      | 241  | 295  | 343  | 442 | 514 |
| Harrison.....            | 266 | 327 | 377 | 471 | 565 |   | Jackson.....    | 241  | 302  | 343  | 470 | 514 |
| Lewis.....               | 241 | 324 | 343 | 442 | 514 |   | Lincoln.....    | 241  | 295  | 343  | 442 | 514 |
| Logan.....               | 247 | 295 | 343 | 445 | 526 |   | McDowell.....   | 241  | 295  | 343  | 442 | 514 |
| Marion.....              | 241 | 305 | 376 | 483 | 556 |   | Mason.....      | 241  | 295  | 343  | 442 | 528 |
| Mercer.....              | 241 | 295 | 343 | 442 | 514 |   | Mingo.....      | 241  | 295  | 343  | 442 | 520 |
| Monongalia.....          | 304 | 336 | 411 | 565 | 669 |   | Monroe.....     | 241  | 295  | 343  | 442 | 514 |
| Morgan.....              | 298 | 335 | 377 | 473 | 528 |   | Nicholas.....   | 241  | 295  | 343  | 442 | 514 |
| Pendleton.....           | 241 | 295 | 343 | 442 | 514 |   | Pleasants.....  | 249  | 295  | 343  | 442 | 527 |
| Pocahontas.....          | 241 | 295 | 343 | 442 | 514 |   | Preston.....    | 241  | 310  | 343  | 442 | 514 |
| Raleigh.....             | 250 | 295 | 343 | 442 | 518 |   | Randolph.....   | 241  | 295  | 343  | 442 | 514 |
| Ritchie.....             | 241 | 295 | 343 | 442 | 514 |   | Roane.....      | 241  | 295  | 343  | 442 | 514 |
| Summers.....             | 241 | 295 | 343 | 442 | 514 |   | Taylor.....     | 296  | 320  | 349  | 442 | 514 |
| Tucker.....              | 241 | 295 | 343 | 442 | 514 |   | Tyler.....      | 241  | 295  | 361  | 453 | 514 |
| Upshur.....              | 241 | 295 | 345 | 442 | 514 |   | Webster.....    | 241  | 295  | 343  | 442 | 514 |
| Wetzel.....              | 274 | 295 | 370 | 463 | 585 |   | Wirt.....       | 241  | 295  | 343  | 442 | 514 |
| Wyoming.....             | 241 | 295 | 343 | 442 | 514 |   |                 |      |      |      |     |     |

## WISCONSIN

## METROPOLITAN FMR AREAS

| METROPOLITAN FMR AREAS               |     |      |      |      |      |    |                                   |
|--------------------------------------|-----|------|------|------|------|----|-----------------------------------|
|                                      | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
| Appleton-Oshkosh-Neenah, WI MSA..... | 297 | 366  | 464  | 586  | 675  |    | Calumet, Outagamie, Winnebago     |
| Duluth-Superior, MN-WI MSA.....      | 254 | 335  | 431  | 574  | 669  |    | Douglas                           |
| Eau Claire, WI MSA.....              | 320 | 348  | 457  | 587  | 662  |    | Chippewa, Eau Claire              |
| Green Bay, WI MSA.....               | 325 | 358  | 459  | 638  | 642  |    | Brown                             |
| Janesville-Beloit, WI MSA.....       | 327 | 412  | 511  | 640  | 717  |    | Rock                              |
| Kenosha, WI MSA.....                 | 339 | 420  | 517  | 710  | 798  |    | Kenosha                           |
| La Crosse, WI-MN MSA.....            | 263 | 340  | 433  | 578  | 701  |    | La Crosse                         |
| Madison, WI MSA.....                 | 406 | 511  | 617  | 857  | 1011 |    | Dane                              |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## W I S C O N S I N continued

| METROPOLITAN FMR AREAS               |  |  |  |  |  |  |  |  |  | Counties of FMR AREA within STATE        |  |  |  |  |  |  |  |  |  |
|--------------------------------------|--|--|--|--|--|--|--|--|--|------------------------------------------|--|--|--|--|--|--|--|--|--|
| O B R 1 B R 2 B R 3 B R 4 B R        |  |  |  |  |  |  |  |  |  | O B R 1 B R 2 B R 3 B R 4 B R            |  |  |  |  |  |  |  |  |  |
| Milwaukee-Waukesha, WI PMSA.....     |  |  |  |  |  |  |  |  |  | Milwaukee, Ozaukee, Washington, Waukesha |  |  |  |  |  |  |  |  |  |
| Minneapolis-St. Paul, MN-WI MSA..... |  |  |  |  |  |  |  |  |  | Pierce, St. Croix                        |  |  |  |  |  |  |  |  |  |
| Racine, WI PMSA.....                 |  |  |  |  |  |  |  |  |  | Racine                                   |  |  |  |  |  |  |  |  |  |
| Sheboygan, WI MSA.....               |  |  |  |  |  |  |  |  |  | Sheboygan                                |  |  |  |  |  |  |  |  |  |
| Wausau, WI MSA.....                  |  |  |  |  |  |  |  |  |  | Marathon                                 |  |  |  |  |  |  |  |  |  |
| NONMETROPOLITAN COUNTIES             |  |  |  |  |  |  |  |  |  | NONMETROPOLITAN COUNTIES                 |  |  |  |  |  |  |  |  |  |
| O B R 1 B R 2 B R 3 B R 4 B R        |  |  |  |  |  |  |  |  |  | O B R 1 B R 2 B R 3 B R 4 B R            |  |  |  |  |  |  |  |  |  |
| Adams.....                           |  |  |  |  |  |  |  |  |  | Ashland.....                             |  |  |  |  |  |  |  |  |  |
| Barron.....                          |  |  |  |  |  |  |  |  |  | Bayfield.....                            |  |  |  |  |  |  |  |  |  |
| Buffalo.....                         |  |  |  |  |  |  |  |  |  | Burnett.....                             |  |  |  |  |  |  |  |  |  |
| Clark.....                           |  |  |  |  |  |  |  |  |  | Columbia.....                            |  |  |  |  |  |  |  |  |  |
| Crawford.....                        |  |  |  |  |  |  |  |  |  | Dodge.....                               |  |  |  |  |  |  |  |  |  |
| Door.....                            |  |  |  |  |  |  |  |  |  | Dunn.....                                |  |  |  |  |  |  |  |  |  |
| Florence.....                        |  |  |  |  |  |  |  |  |  | Fond du Lac.....                         |  |  |  |  |  |  |  |  |  |
| Forest.....                          |  |  |  |  |  |  |  |  |  | Grant.....                               |  |  |  |  |  |  |  |  |  |
| Green.....                           |  |  |  |  |  |  |  |  |  | Green Lake.....                          |  |  |  |  |  |  |  |  |  |
| Iowa.....                            |  |  |  |  |  |  |  |  |  | Iron.....                                |  |  |  |  |  |  |  |  |  |
| Jackson.....                         |  |  |  |  |  |  |  |  |  | Jefferson.....                           |  |  |  |  |  |  |  |  |  |
| Juneau.....                          |  |  |  |  |  |  |  |  |  | Kewaunee.....                            |  |  |  |  |  |  |  |  |  |
| Lafayette.....                       |  |  |  |  |  |  |  |  |  | Langlade.....                            |  |  |  |  |  |  |  |  |  |
| Lincoln.....                         |  |  |  |  |  |  |  |  |  | Manitowoc.....                           |  |  |  |  |  |  |  |  |  |
| Marquette.....                       |  |  |  |  |  |  |  |  |  | Marquette.....                           |  |  |  |  |  |  |  |  |  |
| Menominee.....                       |  |  |  |  |  |  |  |  |  | Monroe.....                              |  |  |  |  |  |  |  |  |  |
| Oconto.....                          |  |  |  |  |  |  |  |  |  | Oneida.....                              |  |  |  |  |  |  |  |  |  |
| Pepin.....                           |  |  |  |  |  |  |  |  |  | Polk.....                                |  |  |  |  |  |  |  |  |  |
| Portage.....                         |  |  |  |  |  |  |  |  |  | Price.....                               |  |  |  |  |  |  |  |  |  |
| Richland.....                        |  |  |  |  |  |  |  |  |  | Rusk.....                                |  |  |  |  |  |  |  |  |  |
| Sauk.....                            |  |  |  |  |  |  |  |  |  | Sawyer.....                              |  |  |  |  |  |  |  |  |  |
| Shawano.....                         |  |  |  |  |  |  |  |  |  | Taylor.....                              |  |  |  |  |  |  |  |  |  |
| Trempeateau.....                     |  |  |  |  |  |  |  |  |  | Vernon.....                              |  |  |  |  |  |  |  |  |  |
| Vilas.....                           |  |  |  |  |  |  |  |  |  | Walworth.....                            |  |  |  |  |  |  |  |  |  |
| Washburn.....                        |  |  |  |  |  |  |  |  |  | Waupaca.....                             |  |  |  |  |  |  |  |  |  |
| Waushara.....                        |  |  |  |  |  |  |  |  |  | Wood.....                                |  |  |  |  |  |  |  |  |  |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

## W Y O M I N G

## METROPOLITAN FMR AREAS

|                       | O   | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|-----------------------|-----|------|------|------|------|----|-----------------------------------|
| Casper, WY MSA.....   | 282 | 327  | 418  | 573  | 677  |    | Natrona                           |
| Cheyenne, WY MSA..... | 319 | 399  | 533  | 682  | 828  |    | Laramie                           |

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

| NONMETROPOLITAN COUNTIES |      |      |      |      |     | NONMETROPOLITAN COUNTIES |      |      |      |      |     |
|--------------------------|------|------|------|------|-----|--------------------------|------|------|------|------|-----|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  | O                        | BR 1 | BR 2 | BR 3 | BR 4 | BR  |
| Albany.....              | 283  | 355  | 473  | 658  | 777 | Big Horn.....            | 268  | 310  | 397  | 527  | 606 |
| Campbell.....            | 291  | 310  | 397  | 529  | 624 | Carbon.....              | 268  | 310  | 397  | 527  | 606 |
| Converse.....            | 268  | 310  | 397  | 527  | 606 | Crook.....               | 268  | 310  | 397  | 527  | 606 |
| Fremont.....             | 268  | 310  | 397  | 527  | 606 | Goshen.....              | 268  | 310  | 397  | 527  | 606 |
| Hot Springs.....         | 268  | 310  | 397  | 527  | 606 | Johnson.....             | 268  | 310  | 397  | 527  | 606 |
| Lincoln.....             | 268  | 310  | 397  | 527  | 606 | Niobrara.....            | 268  | 310  | 397  | 527  | 606 |
| Park.....                | 268  | 310  | 397  | 527  | 611 | Platte.....              | 268  | 310  | 397  | 527  | 606 |
| Sheridan.....            | 268  | 310  | 397  | 527  | 611 | Sublette.....            | 300  | 337  | 397  | 527  | 606 |
| Sweetwater.....          | 280  | 310  | 397  | 529  | 624 | Teton.....               | 360  | 458  | 608  | 817  | 891 |
| Uinta.....               | 282  | 310  | 397  | 528  | 637 | Washakie.....            | 268  | 310  | 397  | 527  | 606 |

## P A C I F I C I S L A N D S

## NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | NONMETROPOLITAN COUNTIES | O | BR 1 | BR 2 | BR 3 | BR 4 | BR |
|--|---|------|------|------|------|----|--------------------------|---|------|------|------|------|----|
|--|---|------|------|------|------|----|--------------------------|---|------|------|------|------|----|

Pacific Islands..... 655 787 932 1168 1314

## P U E R T O R I C O

## METROPOLITAN FMR AREAS

|  | O | BR 1 | BR 2 | BR 3 | BR 4 | BR | Counties of FMR AREA within STATE |
|--|---|------|------|------|------|----|-----------------------------------|
|--|---|------|------|------|------|----|-----------------------------------|

|                                |     |     |     |     |     |  |                                                          |
|--------------------------------|-----|-----|-----|-----|-----|--|----------------------------------------------------------|
| Aguadilla, PR MSA.....         | 225 | 274 | 325 | 404 | 455 |  | Aguada Municipio, Aguadilla Municipio, Moca Municipio    |
| Arecibo, PR PMSA.....          | 308 | 373 | 438 | 551 | 616 |  | Arecibo Municipio, Camuy Municipio, Hatillo Municipio    |
| Caguas, PR PMSA.....           | 239 | 288 | 340 | 427 | 475 |  | Caguas Municipio, Cayey Municipio, Cidra Municipio       |
| Mayaguez, PR MSA.....          | 225 | 274 | 325 | 404 | 455 |  | Gurabo Municipio, San Lorenzo Municipio                  |
|                                |     |     |     |     |     |  | Anasco Municipio, Cabo Rojo Municipio                    |
|                                |     |     |     |     |     |  | Hormigueros Municipio, Mayaguez Municipio                |
| Ponce, PR MSA.....             | 298 | 364 | 429 | 536 | 601 |  | Sabana Grande Municipio, San German Municipio            |
|                                |     |     |     |     |     |  | Guayanilla Municipio, Juana Diaz Municipio               |
|                                |     |     |     |     |     |  | Penuelas Municipio, Ponce Municipio, Villalba Municipio  |
| San Juan-Bayamon, PR PMSA..... | 298 | 364 | 429 | 536 | 601 |  | Yauco Municipio                                          |
|                                |     |     |     |     |     |  | Agua Buenas Municipio, Barceloneta Municipio             |
|                                |     |     |     |     |     |  | Bayamon Municipio, Canovanas Municipio                   |
|                                |     |     |     |     |     |  | Carolina Municipio, Catano Municipio, Ceiba Municipio    |
|                                |     |     |     |     |     |  | Comerio Municipio, Corozal Municipio, Dorado Municipio   |
|                                |     |     |     |     |     |  | Fajardo Municipio, Florida Municipio, Guaynabo Municipio |
|                                |     |     |     |     |     |  | Humacao Municipio, Juncos Municipio                      |
|                                |     |     |     |     |     |  | Las Piedras Municipio, Loiza Municipio                   |
|                                |     |     |     |     |     |  | Luquillo Municipio, Manati Municipio, Morovis Municipio  |

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

080895

## SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

P U B L I C continued

## METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Naguabo Municipio, Naranjito Municipio  
 Rio Grande Municipio, San Juan Municipio  
 Toa Alta Municipio, Toa Baja Municipio  
 Trujillo Alto Municipio, Vega Alta Municipio  
 Vega Baja Municipio, Yabucoa Municipio

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |                          |      |      |      |
|--------------------------|------|------|------|------|--------------------------|--------------------------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1                     | BR 2 | BR 3 | BR 4 |
| Adjuntas Municipio.....  | 208  | 257  | 300  | 378  | 421                      | Albonito Municipio.....  | 208  | 257  | 300  |
| Arroyo Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Barranquitas Municipio.. | 208  | 257  | 300  |
| Ciales Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Coamo Municipio.....     | 208  | 257  | 300  |
| Culebra Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Guanica Municipio.....   | 208  | 257  | 300  |
| Guayama Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Isabela Municipio.....   | 208  | 253  | 300  |
| Jayuya Municipio.....    | 208  | 257  | 300  | 378  | 421                      | Lajas Municipio.....     | 208  | 257  | 300  |
| Lares Municipio.....     | 208  | 257  | 300  | 378  | 421                      | Las Marias Municipio.... | 208  | 257  | 300  |
| Maricao Municipio.....   | 208  | 257  | 300  | 378  | 421                      | Maunabo Municipio.....   | 208  | 257  | 300  |
| Orocovis Municipio.....  | 208  | 257  | 300  | 378  | 421                      | Patillas Municipio.....  | 208  | 257  | 300  |
| Quebradillas Municipio.. | 211  | 255  | 300  | 377  | 422                      | Rincon Municipio.....    | 208  | 257  | 300  |
| Salinas Municipio.....   | 208  | 257  | 300  | 378  | 421                      | San Sebastian Municipio. | 208  | 257  | 300  |
| Santa Isabel Municipio.. | 208  | 257  | 300  | 378  | 421                      | Utua Municipio.....      | 208  | 257  | 300  |
| Vieques Municipio.....   | 208  | 257  | 300  | 378  | 421                      |                          |      |      |      |

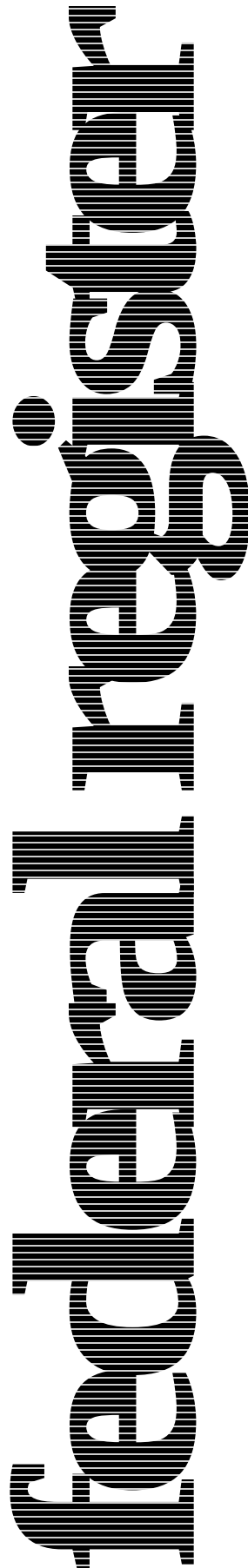
## V I R G I N I S L A N D S

| NONMETROPOLITAN COUNTIES |      |      |      |      | NONMETROPOLITAN COUNTIES |      |      |      |      |
|--------------------------|------|------|------|------|--------------------------|------|------|------|------|
| O                        | BR 1 | BR 2 | BR 3 | BR 4 | O                        | BR 1 | BR 2 | BR 3 | BR 4 |
| Virgin Islands.....      | 528  | 642  | 755  | 943  | 1055                     |      |      |      |      |

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 080895

SCHEDULE D - FY 1996 40th PERCENTILE FAIR MARKET RENTS FOR  
MANUFACTURED HOME SPACES

| <u>STATE/FMR AREA</u>           | <u>SPACE<br/>RENT</u> |
|---------------------------------|-----------------------|
| CALIFORNIA                      |                       |
| Orange County, CA PMSA          | \$449                 |
| San Diego, CA MSA               | 388                   |
| COLORADO                        |                       |
| Boulder-Longmont, CO PMSA       | 282                   |
| Denver, CO PMSA                 | 268                   |
| DELAWARE                        |                       |
| Dover, DE MSA                   | 163                   |
| Sussex County                   | 115                   |
| MARYLAND                        |                       |
| Hagerstown, MD MSA              | 204                   |
| St. Marys County                | 251                   |
| MINNESOTA                       |                       |
| Minneapolis-St. Paul, MN-WI MSA | 243                   |
| NEW YORK                        |                       |
| Dutchess, NY PMSA               | 329                   |
| Jamestown, NY MSA               | 172                   |
| Newburgh, NY MSA                | 309                   |
| Tompkins County, NY             | 196                   |
| OREGON                          |                       |
| Salem, OR PMSA                  | 205                   |
| VERMONT                         |                       |
| Washington County               | 196                   |
| WEST VIRGINIA                   |                       |
| Berkeley County                 | 132                   |
| Jefferson County                | 135                   |
| Morgan County                   | 133                   |



---

Tuesday  
August 15, 1995

---

## Part V

# Department of Commerce

---

Patent and Trademark Office

---

**37 CFR Parts 1, 3 and 5**  
**Changes to Implement 18-Month**  
**Publication of Patent Applications;**  
**Proposed Rule**



**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Parts 1, 3 and 5****[Docket No. 950620162-5162-01]****RIN 0651-AA75****Changes to Implement 18-Month Publication of Patent Applications****AGENCY:** Patent and Trademark Office, Commerce.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Patent and Trademark Office (Office) is proposing to amend the rules of practice in patent cases primarily to implement changes related to the 18-month publication of patent applications in title 35, United States Code, contained in the Patent Application Publication Act of 1995 (H.R. 1733). Among the changes that are contained in H.R. 1733 would be the publication of patent applications after 18 months from the earliest filing date for which a benefit is sought, and the addition of provisional rights to the rights provided in a patent. These changes would apply to utility and plant applications other than provisional applications, but not to design applications.

**DATES:** Written comments must be submitted on or before September 19, 1995. A public hearing will be held on Tuesday, September 19, 1995, at 9:30 a.m. Those wishing to present oral testimony must request an opportunity to do so no later than September 14, 1995. Written comments and transcripts of the hearings will be available for public inspection on or about October 2, 1995, and will be available on or about October 2, 1995, through anonymous file transfer protocol (ftp) via the Internet (address: ftp.uspto.gov).

**ADDRESSES:** Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, Attention: Stephen G. Kunin, Deputy Assistant Commissioner for Patent Policy and Projects. In addition, written comments may also be sent by facsimile transmission to (703) 305-8825, with a confirmation copy mailed to the above address, or by electronic mail messages over the Internet to early-pub@uspto.gov. The public hearing will be held at the Holiday Inn—National Airport, 15th Street and Jefferson Davis Highway, Arlington, Virginia. The written comments and transcripts of the hearings will be available in Room 520 of Crystal Park One, 2011 Crystal Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:**

Stephen G. Kunin by telephone at (703) 305-8850, by facsimile at (703) 305-8825, by electronic mail at rbahr@uspto.gov, or Jeffrey V. Nase by telephone at (703) 305-9285, or by mail marked to the attention of Stephen G. Kunin, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**SUPPLEMENTARY INFORMATION:** This proposed rule change is designed primarily to implement the changes in practice related to the publication of patent applications provided for in H.R. 1733. H.R. 1733 was introduced in the House of Representatives on May 25, 1995. The amendments to title 35 relating to 18-month publication, if enacted as proposed, would be effective on January 1, 1996. A copy of this legislation may be obtained from the individuals identified in the **FOR FURTHER INFORMATION CONTACT** section of the notice.

Section 122 of title 35, United States Code, currently provides that patent applications are maintained in confidence until a patent is granted. H.R. 1733, if enacted, would amend 35 U.S.C. 122 to provide that each application for patent, except for design applications filed under 35 U.S.C. 171 and provisional applications filed under 35 U.S.C. 111(b), shall be published "as soon as possible after the expiration of a period of 18 months from the earliest filing date for which a benefit is sought," but provides that applications that are no longer pending and applications that are subject to a secrecy order under 35 U.S.C. 181 shall not be published.

H.R. 1733 includes a provision (35 U.S.C. 122(b)(2)) that, upon request, an application of an independent inventor who has been accorded status under 35 U.S.C. 41(h) will not be published until three months after an Office action under 35 U.S.C. 132; however, applications filed under 35 U.S.C. 363 and applications claiming the benefit of an earlier filing date under 35 U.S.C. 119, 120, 121, 365(a) or 365(c) are not eligible for such a request. In addition, H.R. 1733 provides that an applicant making such a request must certify that the invention disclosed in the application was not or will not be the subject of an application filed in a foreign country. H.R. 1733 provides that the Commissioner may establish appropriate procedures and fees for such a request.

H.R. 1733, if enacted, would further amend 35 U.S.C. 119 to provide that the claim and certified copy of the original foreign application must be filed in the

Office at such time during the pendency of the application as required by the Commissioner, and that the Commissioner may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim. H.R. 1733, if enacted, would likewise amend 35 U.S.C. 120 to provide that the Commissioner may determine the time period during the pendency of the application within which an amendment containing the specific reference to the earlier filed application shall be submitted, and that the Commissioner may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim.

H.R. 1733, if enacted, would further amend 35 U.S.C. 102(e) to include applications published pursuant to 35 U.S.C. 122(b) within its scope. H.R. 1733, if enacted, would provide that the costs of early publication shall be recovered by adjusting the filing, issue and maintenance fees, by charging a separate publication fee, or by any combination of these methods. H.R. 1733, if enacted, would also provide that, upon issuance of the application as a patent, the patent shall, where the invention claimed in the patent is identical to the invention claimed in the published application, include provisional rights during the period from publication until issuance of the patent.

H.R. 1733 also includes amendments relating to 20-year patent term and provisional applications. Specifically, H.R. 1733 includes an amendment to 35 U.S.C. 119(e) to provide that if the day that is twelve months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day. H.R. 1733 also includes an amendment to 35 U.S.C. 154(b) to: (1) Include an unusual administrative delay by the Office in issuing the patent as a basis for patent term extension; (2) provide that the total duration of all extensions under 35 U.S.C. 154(b) shall not exceed ten years, as opposed to the five year limit currently provided in Public Law 103-465; (3) provide that no patent that has issued before the expiration of three years after the filing date of the application or entry of the application into the national stage under 35 U.S.C. 371 shall be extended under 35 U.S.C. 154(b); (4) provide that no patent whose term has been disclaimed beyond a specified date shall be extended under 35 U.S.C. 154(b) beyond the expiration date specified in the terminal disclaimer, and (5) provide that any

period of extension under 35 U.S.C. 154(b) shall be reduced by the period during which the applicant for patent did not engage in reasonable efforts to conclude processing or examination of the application, rather than the "due diligence" provision applicable to extensions under 35 U.S.C. 154(b)(2) in Public Law 103-465.

The current planning approach to the implementation of early publication is to create an electronic data base which captures the technical content, i.e., the specification, abstract, claims and drawings, of the application-as-filed. A data capturing operation will enable the creation of a data base containing image and text equivalent of the technical contents of the application-as-filed. Application materials will be digital image and/or optical character recognition (OCR) scanned by the Office for entry into this electronic data base. This electronic data base will be used to provide a source for (a) meeting publication requirements for the applications, (b) providing a basis for electronic searching and retrieval of applications, and (c) providing a basis for producing copies of the technical contents of the application-as-filed. The publication of an application will take the form of publishing information necessary to identify the applicant and the technical subject matter of the application, i.e., a Gazette Entry, in a separate Gazette of Patent Application Notices, with a one-page printed publication, i.e., a Patent Application Notice or PAN, containing similar information for placement in the paper search files. Published applications will be assigned a sequential Patent Application Notice (PAN) number in the manner that issued patents are assigned a sequential patent number. In addition, a document including the Patent Application Notice and the technical contents of the application-as-filed, designated as the Technical Contents Publication, will be available to the public upon publication.

The digital images of the technical contents of the application-as-filed, i.e., the Technical Contents Publication, will be available for public review. Paper copies of the Patent Application Notice and Technical Contents Publication will also be available for purchase similar to the way paper copies of patents are currently available for purchase. When budgetary and process considerations permit, text searching of the Patent Application Notice and Technical Contents Publication will be implemented.

The information provided to Patent and Trademark Depository Libraries will be expanded to include weekly

issues of the Gazette of Patent Application Notices (provided by the Government Printing Office), and a CD-ROM collection of facsimile images of the Patent Application Notices and Technical Contents Publications. The public would also be able to place subscription orders to receive weekly paper copies of the Patent Application Notices and Technical Contents Publications published in specific classes and subclasses similar to the way such orders are currently placed for issued patents, as well as subscription orders to receive the CD-ROM collection of facsimile images of the Patent Application Notices and Technical Contents Publications.

H.R. 1733, as proposed, does not specifically exclude applications that are national security classified from those applications to be published. Executive Order 12356 and a number of statutes, e.g., 42 U.S.C. 2011 et seq. (the Atomic Energy Act of 1954), 15 U.S.C. 1155 (provides that the Secretary of Commerce shall respect and preserve the security classification of inventions in the possession or control of the Department of Commerce), and 18 U.S.C. 798 (provides criminal sanctions for the disclosure of classified information) preclude the publication of a national security classified application. Further, the publication requirement in H.R. 1733, as proposed, provides some latitude to the Commissioner to publish applications later than 18 months from the earliest filing date for which a benefit is sought. Therefore, the publication of a national security classified application will be delayed until such application is either declassified, which will permit publication of the application, or subjected to a secrecy order pursuant to 35 U.S.C. 181, which will exclude the application from publication by the express terms of H.R. 1733, as proposed. In view of national security considerations, and the current statutory prohibitions on the disclosure of classified information, it is appropriate to specifically exclude those applications that are national security classified from publication under the provisions of H.R. 1733.

While H.R. 1733, if enacted, would not directly affect design applications, this notice of proposed rulemaking includes a proposed amendment to § 1.154 such that the arrangement for a design application will be consistent with the arrangements for a utility (§ 1.77) or plant (§ 1.163) application, as well as a proposed amendment to § 1.5 to provide that a paper concerning a provisional application must identify the provisional application as such and

by application number. In addition, while this proposed rule change is designed primarily to implement the changes in practice related to the publication of patent applications provided for in H.R. 1733, a number of proposed rule changes set forth in this notice of proposed rulemaking would be desirable even in the absence of an 18-month publication system. Specifically, this proposed rule change is also designed to: (1) clarify which applications claiming the benefit of prior applications or prior applications for which a benefit is claimed in a later application will be preserved in confidence; (2) amend the rules pertaining to the format and standards for application papers and drawings to improve the standardization of patent applications; (3) broaden the application of § 1.131 to instances in which inventions of a pending application or patent under reexamination and a patent held by a single party are not identical, but not patentably distinct; (4) broaden the application of §§ 1.78(c) and (d) to patents under reexamination, (5) clarify the practice for the delivery or mailing of patents; (6) provide for the treatment of national security classified applications; (7) expedite the entry of international applications into the national stage; and (8) amend a number of rules for consistency and clarity. Since these proposed rule changes may be adopted as final rules even in the absence of an 18-month publication system, interested persons are advised to comment on any proposed rule change, regardless of whether H.R. 1733 is enacted.

If H.R. 1733 is amended during the legislative process, the final rules will comply with this legislation as enacted. If H.R. 1733 is not enacted, the proposed rules that would implement publication of patent applications would be withdrawn.

In a Notice of Public Hearing and Request for Comments on 18-Month Publication of Patent Applications (18-Month Publication Notice) published in the **Federal Register** at 59 FR 63966 (December 12, 1994) and in the Patent and Trademark Office Official Gazette at 1170 Off. Gaz. Pat Office 390-94 (January 3, 1995), the Office requested public comment on the procedures the Office should adopt if an 18-month publication system was enacted. The 18-Month Publication Notice set forth the Office's planning approach for the implementation of 18-month (pre-grant) publication of patent applications, and specifically presented fourteen (14) questions on which comment was invited. An oral hearing was conducted on February 15, 1995.

Sixty-five (65) written comments, as well as two (2) Law Review articles concerning the pre-grant publication of pending patent applications, were submitted. Of the sixty-five (65) comments, forty (40) submitted comments directed to at least one of the questions presented in the 18-Month Publication Notice. Sixteen (16) persons testified at the public hearing conducted on February 15, 1995.

### Response to Comments on the 18-Month Publication Notice

The following questions were presented in the 18-Month Publication Notice. Each question is followed by a summary of the comments submitted in response to the question, and the proposed disposition of the issue presented in the question.

1. Should the PTO require that all official application-related materials be delivered to a central location? Specifically, what problems would a requirement that all official application-related materials be delivered to a central location cause?

*Summary:* A slight majority of the comments opposed a requirement that all official application-related materials be delivered to a central location.

*Response:* As the Office currently considers the delivery of all official application-related materials to a central location to be unnecessary to the currently planned approach to implementation of 18-month publication, no change to the rules of practice to require that all official application-related materials be delivered to a central location will be proposed.

2. Should the PTO adopt a standard application format? If so, what portions of the application papers should the PTO require be submitted in a standard size and/or format, and what sanction (e.g., surcharge) should be established for the failure to comply with these requirements?

*Summary:* A majority of the comments favored the implementation of a standard application format, so long as an applicant was given a time period in which to comply with this format, i.e., failure to comply with the standard application format did not deprive the application of a filing date. In addition, a number of comments indicated that any additional requirements should not be inconsistent with European Patent Office (EPO) or Patent Cooperation Treaty (PCT) requirements, or in excess of those requirements necessary for the implementation of 18-month publication.

*Response:* The Office is proposing to change the rules of practice to institute

only those additional standardizations which are consistent with the requirements set forth in PCT Rule 11, and are considered necessary for the digital image and OCR scanning of application materials into an electronic data base. Those additional standardizations are that: (1) applications be submitted on flexible, strong, smooth, non-shiny, durable and white paper (PCT Rule 11.3); (2) the papers be typewritten by a typewriter or word-processor, i.e., hand-written application materials would no longer be acceptable, with 1½ or double spaced lines (PCT Rule 11.9(c)), and in permanent "dark" ink (PCT Rule 11.9(d)) and portrait orientation, i.e., with the shorter sides of the paper on the top and bottom (PCT Rule 11.2(d)); (3) the sheets of papers be the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches) (PCT Rule 11.5), with a top margin of at least 2.0 cm. (¾ inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. (¾ inch), and a bottom margin of at least 2.0 cm. (¾ inch) (PCT Rule 11.6(a)); (4) the pages of the application be numbered consecutively, with the numbers being centrally located above or below the text (PCT Rule 11.7); and (5) the claims be on a separate sheet (PCT Rule 11.4). Finally, §§ 1.52(b) and 1.84(x) are proposed to be amended to provide that no holes should be provided in the paper or drawing sheets due to the potential for their interference with the scanning operation.

Section 1.52(b) currently requires that application papers be written on but one side, and § 1.72(b) currently requires that the abstract be on a separate sheet. In an application filed without: (1) typewritten application papers on flexible, strong, smooth, non-shiny, durable and white paper; (2) 1½ or double spaced lines in portrait orientation; (3) permanent "dark" ink typing; (4) sheets of papers of the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches), with a top margin of at least 2.0 cm. (¾ inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. (¾ inch), and a bottom margin of at least 2.0 cm. (¾ inch); (5) the pages of the application including claims and abstract be numbered consecutively, starting with page one, with the numbers being centrally located above or below the text; (6) application papers typed on but one side; and (7) an abstract and claims on a separate sheet, the applicant will be given a time

period, non-extendable under § 1.136(a), in which to file a substitute specification in compliance with § 1.125 on application papers in compliance with §§ 1.52(a) and (b). The Office, however, does not propose to require a surcharge for the failure to comply with these standardizations on filing.

Additional standardizations to the rules of practice concerning drawings requirements are also being proposed. Currently, § 1.84(f) permits paper sizes of 21.6 cm. by 35.6 cm. (8½ by 14 inches), 21.6 cm. by 33.1 cm. (8½ by 13 inches), 21.6 cm. by 27.9 cm. (8½ by 11 inches), and 21.0 cm. by 29.7 cm. (DIN size A4). Section 1.84(f), as proposed, would permit paper sizes of only 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches). The use of these paper sizes, which correspond to the paper sizes required under § 1.52(b), as proposed, would not impact the current Automated Patent System (APS) database, and would permit a fully automatic scanning operation due to their similar size. To electronically store, display, and print drawings paper sheet sizes up to 21.6 cm. by 35.6 cm. (8½ by 14 inches) would require modifications of the APS system hardware, software, displays, and printers. In addition, the digital image scanning of drawing paper sheet sizes up to 21.6 cm. by 35.6 cm. (8½ by 14 inches) would require a semi-automatic scanning operation, thus increasing scanning costs significantly. Therefore, § 1.84(f), as proposed, would permit paper sheet sizes of only 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches), with a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (¾ inch), and a bottom margin of at least 1.0 cm. (¾ inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 on 21.0 cm. by 29.7 cm. (DIN size A4) sheets, and a sight no greater than 17.6 cm. by 24.4 cm. (6½ by 9½ inches) on 21.6 cm. by 27.9 cm. (8½ by 11 inch) sheets (PCT Rule 11.6(c)). As PCT Rule 11.6(d) provides that the margin requirements apply to 21.0 cm. by 29.7 cm. (DIN size A4) sheets such that a copy of the drawings sheet on a 21.0 cm. by 29.7 cm. (DIN size A4) sheet leaves the required margin, the requirement for drawing sheet sizes of only 21.6 cm. by 27.9 cm. (8½ by 11 inches) or 21.0 cm. by 29.7 cm. (DIN size A4) is not a substantive drawing limitation in excess of PCT Rule 11.

Currently, formal drawings are not required until an application has been allowed. As a drawing figure will be included in the Gazette Entry in the Gazette of Patent Application Notices,

as well as the Patent Application Notice, drawings of sufficient quality for digital image scanning into an electronic data base will be necessary for the initial processing of the application. In instances in which an application is filed with drawings of such poor quality as to preclude their digital image scanning into the electronic data base, it will be necessary to set a time period, non-extendable under § 1.136(a), in which to file drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction by digital imaging.

Currently, a complete application under § 1.51(a) does not require an abstract on a separate sheet, claims on a separate sheet, application papers typed on but one side of the paper, or application papers or drawings of sufficient clarity, contrast, or quality or in the proper size or format for electronic reproduction, and, as such, an application may be filed under § 1.60 from a prior application not in a format necessary for the image and/or OCR scanning of the application materials into an electronic data base. Therefore, an amendment to § 1.60(d) is necessary to assure the prompt filing of application papers including an abstract and claims on a separate sheet, application papers typed on but one side of the paper, and application papers and drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction.

Currently, the filing of the copy of the specification from the prior application, or a new specification, in an application filed under § 1.62 is considered improper. As applications filed prior to January 1, 1996, will not have been image- or OCR-scanned into the electronic data base, the technical contents of an application filed under § 1.62 in which the prior application was itself filed prior to January 1, 1996, will not be contained in the electronic data base. For applications under § 1.62 which do not add additional disclosure, i.e., continuation or divisional applications, the Office will obtain the microfiche copy of the prior application and image or OCR scan it into the electronic data base. For applications under § 1.62 which add additional disclosure, i.e., continuation-in-part applications, a substitute specification and drawings will be necessary for image or OCR scanning into the electronic data base. Therefore, an amendment has been proposed to § 1.62 to provide that, where the application is a continuation-in-part application, a substitute specification in compliance

with § 1.125 and drawings will be required.

Section 1.62 currently provides that no copy of the prior application or new specification is required, and further provides that the filing of such a copy or specification will be considered improper, and a petition is necessary to obtain the date of deposit of the request for an application under § 1.62 as the filing date. Section 1.62, as proposed, would provide that the failure to provide any required substitute specification would not affect the filing date of the application, but a time period, non-extendable under § 1.136(a), would be set for its filing. Section 1.62, as proposed, would further provide that any new specification filed in an application under § 1.62 would not be considered part of the original application papers, but would be treated as a substitute specification under § 1.125. Any request to treat a new specification filed in an application under § 1.62 as part of the original application papers may be by way of petition under § 1.182.

Finally, amendments to §§ 1.77, 1.154, and 1.163 have been proposed to provide a standard arrangement for utility, design, and plant applications, respectively. This standard arrangement will include, *inter alia*, a Fee Transmittal form for utility, design, and plant applications, a Utility Patent Application Transmittal form, a Design Patent Application Transmittal form, a Plant Patent Application Transmittal form, and a Plant Color Coding Sheet for plant applications. Standardized versions of the Fee Transmittal form, Utility Patent Application Transmittal form, Design Patent Application Transmittal form, Plant Patent Application Transmittal form, Plant Color Coding Sheet, as well as a standard Declaration form and Plant Patent Application Declaration form, are included as an Appendix A to this notice of proposed rulemaking.

3. Assuming that the entire application is not published, what information concerning the application should be published in the Gazette of Patent Application Notices?

**Summary:** A slight majority of the comments indicated that the printed publication should include the entire application, or at least the claims, each independent claim, or a claim of each statutory class in the application. The remaining comments that did not oppose pre-grant publication indicated that any Patent Application Notice should contain information similar to what is published in the Official Gazette or sufficient information to determine whether further investigation was

warranted. Those comments that opposed any pre-grant publication opposed publication of any information other than the applicant's name, address and a "non-enabling" abstract of the invention.

**Response:** The Technical Contents Publication will include a copy of the Patent Application Notice, and the specification, abstract, claims and drawings of the application-as-filed. The Technical Contents Publication will be available for public review through video display terminals in the Public Search Room and through CD-ROM collections of facsimile images of Patent Application Notices and Technical Contents Publications in the Patent and Trademark Depository Libraries. Copies of the Patent Application Notices and Technical Contents Publications will also be available for purchase under the conditions that paper copies of patents are currently available for purchase. When budgetary and process constraints permit, text searching of the Patent Application Notices and Technical Contents Publications will be implemented.

H.R. 1733, if enacted, would not provide any appropriations to cover the costs of early publication, but would provide that these costs are to be recovered by adjusting the filing, issue and maintenance fees, by charging a separate publication fee, or by any combination of these methods, i.e., that the patent applicant is to bear the costs of publication. A number of comments have criticized this method of allocating the publication costs as pre-grant publication provides no benefit to the patent applicant. The Office was required to balance the requests for a printed publication conveying the greatest amount of application information with those comments opposing additional publication costs. To provide the maximum amount of application information at the lowest cost to applicant, the specification, abstract, claims and drawings of the application-as-filed will be available for public review in the Technical Contents Publication.

4. Should the patent applicant receive a copy of the published application—either published notice and/or application content at time of publication?

**Summary:** A majority of the comments indicated that the applicant should receive a copy of the Patent Application Notice.

**Response:** The Office proposes to provide for the delivery of the Patent Application Notice similar to the current delivery of patents.

5. Should the PTO permit an accelerated examination? If so, under what conditions?

**Summary:** A majority of the comments favored permitting accelerated examination. A number of comments indicated that accelerated examination should be provided for applicants who either: (1) meet the current conditions for accelerated examination; or (2) pay a relatively high fee, i.e., that the Office should add the payment of a high accelerated examination fee to the current conditions for providing an accelerated examination. A number of comments, however, indicated that adding the payment of a high accelerated examination fee to those conditions for providing an accelerated examination would benefit large companies at the expense of small entities.

**Response:** The Office will provide accelerated examination only under the current conditions set forth in § 1.102, as described in MPEP 708.02. Accelerated examination is currently provided depending upon the subject matter of the invention, medical condition of the applicant, business circumstances, or the willingness of the applicant to participate in a special accelerated examination procedure. Increasing the number of applications receiving accelerated examinations could diminish the availability or speed of accelerated examination to an individual applicant because there will be more applications receiving an accelerated examination. It would further delay the examination of applications not provided with accelerated examination. Adding a condition for providing accelerated examination which bears no relationship to the merits of the application or circumstances of the applicant, i.e., for the mere payment of a fee, is not considered appropriate. Therefore, the Office does not propose to change the conditions under which the examination of an application will be accelerated.

The Office, however, will continue to make special an application under the conditions currently set forth in MPEP 708.02 (VIII), special examining procedures for certain new applications—accelerated examination. MPEP 708.02 (VIII) provides that a new application may be granted special status provided that the applicant: (1) submits a written petition to make special accompanied by the fee set forth in § 1.17(i); (2) presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election

without traverse as a prerequisite to the grant of special status; (3) submits a statement that a pre-examination search was made; (4) submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims; (5) submits a detailed discussion of the references pointing out with the particularity required by § 1.111 (b) and (c) how the claimed subject matter is distinguishable over the references; and (6) submits any affidavit or declaration under § 1.131 that is necessary to overcome the references before the application is taken up for action, but in no event later than one month after request for special status. An application granted special status under MPEP 708.02 (VIII) will be taken up by the examiner before all other categories of applications except those clearly in condition for allowance and those with set time limits, such as examiner's answers, etc., and will be given a complete first action which will include all essential matters of merit as to all claims.

6. Since the cost for publishing applications must be recovered from fees, how should the cost of publication be allocated among the various fees, including the possibility of charging a separate publication fee?

**Summary:** The overwhelming majority of comments opposed a separate publication fee. Most comments indicated that the costs of publication should be spread over the existing fees, with the remaining comments indicating that these costs should be absorbed by those accessing the published applications or the Office.

**Response:** H.R. 1733, if enacted, would not provide appropriations for the Office to absorb the publication cost, but provides that the "Commissioner shall recover the costs of early publication . . . by adjusting the filing, issue, and maintenance fees, by charging a separate publication fee, or by any combination of these methods." Notwithstanding that H.R. 1733, if enacted, would not authorize the Office to recover the costs of publication through those seeking access to the published application, the demand for publication products, e.g., Patent Application Notices and Technical Contents Publications, would not be consistent, and it would not be possible to project the demand for publication products with the degree of precision necessary to recover a substantial portion of the publication costs through the inclusion of such costs in the fees charged for the publication products. In addition, the Office will supply, *inter alia*, CD-ROM collections of facsimile

images of the Patent Application Notices and Technical Contents Publications under the condition that CD-ROM collections of patent images are currently supplied. As the Office has no authority to control the further duplication of such images, it would not be practicable to attempt to recover publication costs through increases in the fees charged for publication products, since those persons desiring copies of Patent Application Notices or Technical Contents Publications would simply obtain them from the original purchasers of the CD-ROM collections, who need not include any publication costs in their prices. Therefore, the Office proposes to adjust the filing, issue, and maintenance fees to recover the costs of publication.

In a Notice of Proposed Rulemaking published in the **Federal Register** at 60 FR 27934 (May 26, 1995) and in the Patent and Trademark Office Official Gazette at 1174 Off. Gaz. Pat Office 134–50 (May 30, 1995), a number of changes to the rules of practice to, *inter alia*, adjust patent and trademark fees to reflect the fluctuations in the Consumer Price Index (CPI) pursuant to 35 U.S.C. 41(f) were proposed (Patent and Trademark Fee Notice of Proposed Rulemaking). The proposed patent and trademark fee adjustments, if adopted in final rules, would take effect on October 2, 1995 (October 1, 1995 being a Sunday), prior to the effective date of the fee increase in this notice of proposed rulemaking to recover the costs of publication. The proposed amendments to §§ 1.19(b)(1)(i) and 1.19(b)(1)(ii) are repeated in this notice of proposed rulemaking for clarity.

The Office estimates that it will cost about \$9 million to publish applications in Fiscal Year 1996. To allocate these costs among the filing fees of those applications which the Office anticipates will be filed in Fiscal Year 1996, the issue fee for those applications for which the Office anticipates payment of an issue fee in Fiscal Year 1996, and maintenance fees due at three (3) years and six (6) months, seven (7) years and six (6) months, and eleven (11) years and six (6) months for those patents for which the Office anticipates payment of the respective maintenance fees in Fiscal Year 1996, a further increase in the filing fee for an original nonprovisional (35 U.S.C. 111(a)) or reissue application to \$780 (\$390 for a small entity) and a plant application to \$540 (\$270 for a small entity), issue fee for an original or reissue application to \$1280 (\$640 for a small entity) and a plant application to \$660 (\$330 for a small entity), maintenance fee due at three (3) years and six (6) months to

\$1020 (\$510 for a small entity), maintenance fee due at seven (7) years and six (6) months to \$2020 (\$1010 for a small entity), and maintenance fee due at eleven (11) years and six (6) months to \$3020 (\$1510 for a small entity) is necessary to recover the costs of publication in Fiscal Year 1996. A comparison of existing fee amounts, fee amounts proposed in the Patent and Trademark Fee Notice of Proposed Rulemaking, and fee amounts proposed in this notice of proposed rulemaking is included as an Appendix B to this notice of proposed rulemaking.

7. Should the PTO require an affirmative communication from a patent applicant indicating that the applicant does not wish the application to be published, or should failure to timely submit a publication fee be taken as instruction not to publish the application? That is, should an application be published unless the applicant affirmatively indicates that the application is not to be published, regardless of whether a publication fee has been submitted? What latitude should the PTO permit for late submission of a publication fee?

*Summary:* An overwhelming majority of the comments (except for those who opposed any pre-grant publication) favored a requirement that an applicant affirmatively communicate that an application is being expressly abandoned to avoid publication of the application at 18 months.

*Response:* The Office does not process applications as abandoned until seven (7) months after the mailing date of an Office action to allow for extensions of time under § 1.136(a) and mailing delays. Where no response to an Office action setting a shortened statutory period for response of three (3) months mailed at 13 months after filing in an application is received, the application becomes abandoned by operation of 35 U.S.C. 133 at 16 months after filing, but is not recognized or processed by the Office as an abandoned application until 20 months after filing, and thus would be published in regular course at 18 months. Therefore, an applicant intending to permit an application to become abandoned for failure to respond to an Office action mailed within seven (7) months of the projected publication date must take affirmative action to avoid publication of the application.

The Office intends to indicate the projected date of publication on the filing receipt. Any person who wants to avoid publication of the application at 18 months must submit a letter of express abandonment in sufficient time to permit the Office to act on the letter.

Likewise, any person who considers the projected date of publication on the filing receipt to be incorrect must submit a request to correct the projected date of publication in sufficient time to permit the Office to act on the request.

Currently, the Office considers two (2) months to be the minimum time necessary to avoid publication of an application. Therefore, any letter of express abandonment or request to withdraw the application from publication submitted less than two (2) months from the projected date of publication will not be considered effective to avoid publication of the application at the projected date of publication. The Office also intends to indicate on the filing receipt the date by which an application must be expressly abandoned to avoid its publication.

8. The delayed filing of either a claim for priority under 35 U.S.C. 119 or 120 may result in the delayed publication of the application. Should priority or benefit be lost if not made within a reasonable time after filing? What latitude should the PTO permit for late claiming of priority or benefit?

*Summary:* A large majority of the comments indicated that claims for priority under 35 U.S.C. 119 and 120 should be lost if not timely filed. A number of comments also indicated that there should be provisions for the acceptance of late claims for priority.

*Response:* The submission of a claim for priority under 35 U.S.C. 119 or 120 later than four (4) months prior to the publication date appropriate for an application claiming that priority date will result in delays in the publication of the application and will interfere with the publication process. Therefore, the Office proposes to change the rules of practice to provide that claims for priority under 35 U.S.C. 119 or 120 must be made within two (2) months of filing, or fourteen (14) months from the filing date for which a benefit is desired, whichever is later. To avoid a potential loss of patent rights to an applicant who inadvertently failed to present a timely claim for priority, the Office further proposes to provide for the acceptance of late claims for priority submitted during the pendency of the application with a surcharge, so long as the delay in submitting the claim for priority was unintentional.

9. Once the patent has issued, should the paper document containing information similar to that published in the Gazette of Patent Application Notices, i.e., the Patent Application Notice, be removed from the search files, and should publication information be included on the issued patent?

*Summary:* A majority of the comments indicated that the Patent Application Notice should not be removed from the search files.

*Response:* The Office will not remove the Patent Application Notice from the search files upon issuance of the patent.

10. After publication, should access to the content of the application file be limited to the originally filed application papers? If not, what degree of access should be permitted? Should access be limited to the content before publication, or should it extend to materials added after publication?

*Summary:* A majority of the comments indicated that, upon publication, the access to the content of the application file should not be limited.

*Response:* The Office proposes to change the rules of practice to provide that, upon publication, access to the entire content of the application file would be permitted. To avoid undue interference with the examination of the application, however, the public access to the application file of a pending published application is proposed to be limited to obtaining, upon the payment of the fee set forth in § 1.19(b)(2), a copy of the application file produced during non-working hours by the Office when the application file is made available by the appropriate patent application processing organization. The Office also proposes to provide, upon the payment of the fee(s) set forth in § 1.19(b)(4), as proposed, a copy of specifically identified document(s) contained in a pending published application.

The Office will provide public access to a database containing information concerning the status of a pending published application and the content of the application file similar to that contained in the Patent Application Location and Monitoring (PALM) system. Using this database, interested members of the public will be able to ascertain the status of a pending published application to determine whether obtaining a copy of the file wrapper and content of the application or any document(s) in the file wrapper is warranted. In addition, this database can also be used to permit specific identification of the document(s) of which a copy is desired, assuming that obtaining a copy of the entire file wrapper and content is not considered warranted.

The Office specifically proposes to provide a copy of a specifically identified document contained in a pending published application for a fee of \$75.00. Each paper in the application file to which a separate paper number is assigned constitutes a document in

the application. As the cost of obtaining a pending published application from its location in the various patent application processing organizations throughout the Office is a substantial portion of the cost of providing a copy of the file wrapper and content of a pending published application, the fee for providing a copy of the first requested document from a pending published application must recover the cost of obtaining the application. The Office, however, will provide copies of additional documents from the same application in the same request for a fee of \$25.00 per document.

11. After publication, should assignment records of a published application also be made accessible to the public?

**Summary:** An overwhelming majority of the comments indicated that, upon publication, the assignment records of an application should be accessible to the public.

**Response:** The Office proposes to change the rules of practice to provide that, upon publication, the assignment records of the application would be available by both application and Patent Application Notice (PAN) number and open to public inspection through the existing Patent Assignment Search System. The Office further proposes to permit applicants to indicate on the assignment cover sheet whether they want assignment information to be printed on the Patent Application Notice. The Office, however, does not propose to require that any assignment information be printed on the Patent Application Notice.

12. After publication, should access include the deposit of biological materials as set forth in § 1.802 et seq.?

**Summary:** A majority of the comments indicated that, upon publication, any deposit of biological materials should be accessible to the public. A number of comments, however, indicated that such access should be limited in the manner similar to that in European or Japanese laws, or that such access should be limited to experimental use.

**Response:** Section 1.809(c) currently provides that the applicant need not provide any necessary deposit of biological materials until three (3) months from the mailing of the Notice of Allowance and Issue Fee Due. The deposit of biological materials on filing of an application are often required by foreign laws. Applicants may not be able to claim priority under these laws based upon an earlier United States application filed without any necessary deposit of biological materials. The laws and rules of practice of the United

States, however, do not require an applicant to make any deposit of biological materials until the application is allowed. *See, In re Lundak*, 723 F.2d 1216, 227 USPQ 90 (Fed. Cir. 1985). Accordingly, the Office proposes to change the rules of practice to provide that, upon publication, any deposit of biological materials that has been made would be available after deposit under the same conditions that such deposit of biological material would be available for an issued patent.

13. What types of problems will be encountered if all amendments must be made by (a) substitute paragraphs and claims, (b) substitute pages, or (c) replacement of the entire application?

**Summary:** A majority of the comments indicated that, if the rules of practice regarding the submission of amendments were changed, a requirement for substitute paragraphs and claims, or substitute pages would be acceptable.

**Response:** The Office currently considers changes in the procedures for entering amendments into applications to be unnecessary to the current planning approach to implementation of 18-month publication, and, as such, no change to the rules of practice to require substitute paragraphs and claims, substitute pages, or replacement of the entire application is being proposed.

14. Should protest procedures be modified to permit the third party submission of prior art only prior to a specific period after publication of the application? What action should be taken with respect to untimely submissions by a third party?

**Summary:** A majority of comments indicated that third party submissions of prior art patents and publications should be permitted for a limited period upon publication, but the overwhelming majority of comments opposed any pre-grant opposition procedure.

**Response:** The Office does not intend to institute any procedures that would amount to pre-grant opposition. H.R. 1732 was also introduced in the House of Representatives on May 25, 1995, and, if enacted, will expand reexamination, i.e., post-grant opposition, proceedings to provide a third party requester with increased participation rights, including the right to appeal any decisions favorable to patentability to the Board of Patent Appeals and Interferences and to the courts. In view of the opposition to pre-grant third party participation, i.e., support for the continued ex parte examination of pending applications, the Office proposes to change the rules of practice to limit the period for filing

protests and petitions for the institution of public use proceedings.

The Office proposes to change the rules of practice concerning protests to provide that a submission by a third party in a pending application would be considered if: (1) it is submitted within two months of the date the application was published or prior to the mailing of a notice of allowance under § 1.311, whichever occurs first; (2) the submission has been served on the applicant in accordance with § 1.248 if filed after the date the application was published, and the submission indicates such service; (3) the submission is accompanied by a \$220 fee if submitted after publication of the application; and (4) the application is still pending when the submission and application file is brought before the examiner.

The \$220 fee for a protest submitted after publication of the application is considered appropriate. Any party submitting a protest after publication has benefitted by the publication of the application. The third party should not obtain this benefit solely at the expense of the patent applicant, but should obtain this benefit only upon payment of a fee. In addition, it is expected that any protest submitted after publication of the application will be considered late in the prosecution of the application, which will cause inconvenience both to the patent applicant and the Office. Therefore, the requirement for the payment of a fee is considered appropriate to defray the costs of the belated consideration of any such submission and discourage the submission of protests having questionable merit.

Third parties may continue to submit information concerning prior public use of the invention in accordance with § 1.292. Currently, § 1.292 does not set forth a time period within which a petition for the institution of public use proceedings must be filed. The Office proposes to further amend § 1.292 to provide that the public use petition will be entered if submitted within two months of the publication date of the application or prior to the mailing of a notice of allowance under § 1.311, whichever occurs first.

The proposed changes to §§ 1.291 and 1.292 are intended to limit any right of third parties to have information entered and considered in a pending application. They do not vest the applicant with any right to prevent the Office from sua sponte making such information of record in the application or relying upon such information in subsequent proceedings in the application, i.e., they do not limit the authority of the Office to re-open the

prosecution of an application to consider any information deemed relevant to the patentability of any claim.

A number of miscellaneous comments concerning the 18-month publication of patent applications were also received.

*Comment 1:* A number of comments opposed any pre-grant publication of pending applications as an improper limiting of the right of a patent applicant to maintain trade secrets, or argued that any pre-grant publication should not occur prior to 24 or 60 months from the earliest filing date.

*Response:* H.R. 1733, if enacted, would require the Commissioner to publish pending applications at 18 months. The proposed changes to the rules of practice concern the implementation of an 18-month publication system mandated by statute, not the advisability of an 18-month publication system. If legislation containing provisions for the publication of pending applications is enacted, it is not expected that the Office would have the discretion to determine whether or when pending applications are to be published. That is, it is expected that any legislation containing provisions for the publication of pending applications will mandate whether and when applications are to be published.

*Comment 2:* A number of comments indicated that the publication of pending applications should be joined with provisional rights.

*Response:* H.R. 1733, as proposed, provides for provisional rights. This issue, however, was not treated in the 18-Month Publication Notice or this notice of proposed rulemaking since it does not affect the way business is conducted with or within the Office.

*Comment 3:* One comment indicated that the requirement under 35 U.S.C. 112, first paragraph, for a disclosure of a best mode should be eliminated in view of 18-month publication.

*Response:* The requirement in 35 U.S.C. 112, first paragraph, for a disclosure of a best mode is a statutory, not regulatory, requirement. Therefore, the Office has no authority to eliminate or limit this requirement of the patent statutes.

*Comment 4:* One comment indicated that any publication of patent applications should address the situation in which: (1) an applicant files a continuing application prior to receiving a patent, and then maintains the pendency of continuing application(s), which are maintained in confidence, to obtain claims of various scope; (2) a second party invests resources in developing a product

which does not infringe the claims of the patent, but which the applicant could draft claims in the continuing application(s) to cover; and (3) the applicant then permits a continuing application having claims which covers the second party's product to issue, thus checkmating the second party.

*Response:* H.R. 1733, if enacted, would provide that applications shall be published "as soon as possible after the expiry of a period of 18 months from the earliest filing date for which a benefit is sought." Any continuing application which claims priority from any prior application would be published either 18 months after the filing date of the earliest filed prior application or as soon as possible after filing of the continuing application, and thus would not be maintained in confidence.

*Comment 5:* One comment indicated that applicants should obtain the defensive benefit of their filing date in a published application regardless of whether the application issues as a patent, either by statute or rule.

*Response:* H.R. 1733, if enacted, would provide that a published application is prior art under 35 U.S.C. 102(e) as of its filing date. As prior art is defined by statute, i.e., 35 U.S.C. 102, the Office has no authority to promulgate regulations defining what does or does not constitute prior art.

*Comment 6:* One comment indicated that any rulemaking should be postponed until there is pending legislation, and it is clear as to what form 18-month publication will take.

*Response:* As legislation has been introduced, the form that 18-month publication will likely take is known. As such, it is now appropriate to initiate the rulemaking process in light of the changes that would be necessitated by this legislation, the requirement for a rapid implementation, if enacted, and the desire on the part of the Office to receive public input prior to initiating the rulemaking process. If H.R. 1733 is amended during the legislative process, the final rules will comply with this legislation as enacted. If H.R. 1733 is not enacted, the proposed rules that would implement publication of patent applications would be withdrawn.

*Comment 7:* One comment indicated that it is unclear as to whether, when a restriction requirement is applied, each application will require a separate publication fee.

*Response:* No separate publication fee has been proposed. In accordance with current practice, each application would require separate filing, issue, and maintenance fees, which fees will be increased to recover the costs of publication.

*Comment 8:* Several comments indicated that the Office should not impose access fees for either copying the paper application files, or searching and copying a published application from any electronic data base.

*Response:* As discussed supra, the Office intends to provide free public access to images of the Patent Application Notices and Technical Contents Publications through video display terminals in the Public Search Room and through CD-ROM collections of facsimile images of Patent Application Notices and Technical Contents Publications in the Patent and Trademark Depository Libraries. Copies of the Patent Application Notices, Technical Contents Publications, or copies of the file wrapper and contents of the application will be available for a fee. The costs of publication have been allocated primarily to those applicants whose applications are being published. Since publication primarily benefits those seeking access to the published applications, it is reasonable to require such persons to pay a fee for making copies of the Patent Application Notices and Technical Contents Publications, or obtaining a copy of the file wrapper and application contents of a published application from the Office.

*Comment 9:* One comment indicated that the publication of applications may result in instances in which third parties will submit information to the applicant directly, rather than to the Office. In instances in which the applicant was previously aware of the information, but did not consider it material, the applicant cannot submit the information to the Office in that application (if after final or allowance), but will be charged with a § 1.56 violation if they do not file a continuation application to have it considered. Thus, § 1.56 should be amended such that an applicant in this situation no longer has a duty to submit information to the Office.

*Response:* Section 1.56 expressly provides that there is no duty to submit information which is not material to the patentability of any existing claim. Since the applicant previously determined that the information was not material, the fact that a third party has provided this previously known material to the applicant has no effect on the applicant's compliance with § 1.56. Second, since the applicant was previously aware of this information, the applicant is under a duty to bring such information to the attention of the Office if it is material, regardless of the actions of any third party, and the applicant is not under a duty to bring such information to the attention of the



Office if it is not material, again regardless of the actions of any third party. In either instance, the third party's actions have no bearing on whether the applicant is in compliance with § 1.56. Therefore, no change to § 1.56 is being proposed.

*Comment 10:* One comment indicated that § 1.56 should be modified or abolished. Where information is brought to the attention of the applicant after allowance, the applicant should be considered to have met his or her duty of disclosure under § 1.56 if the applicant simply chooses to permit the patent to issue, as the public can take care of itself through reexamination or whatever opposition proceedings are instituted.

*Response:* As indicated supra, no change to § 1.56 is being proposed. In addition, the Office is proposing to limit third party protest procedures, and is not proposing to develop any procedures amounting to pre-grant opposition. Since the Office is continuing the ex parte examination of applications, the proposed modification or abolition of § 1.56 is not considered appropriate.

*Comment 11:* One comment indicated that an applicant should be allowed to request early publication.

*Response:* Section 1.306(d) is being proposed to provide for petitions requesting early publication.

*Comment 12:* One comment indicated that the Office should require that the text of all applications be filed in digital form, and the publication of applications should be purely digital, i.e., that Office should not print any publication.

*Response:* 35 U.S.C. 22 provides that "[t]he Commissioner may require papers filed in the Patent and Trademark Office to be printed or typewritten." Therefore, the Office does not currently have the authority to require that application papers be submitted in digital form. The Office is considering the legislative and regulatory changes that would be necessary to permit purely digital filing of application papers; however, requiring all applicants to submit application papers in digital form at this time would place an unnecessary burden on those applicants lacking word-processing resources. In addition, the Office received a substantial number of comments requesting a printed publication containing more information, as well as a number of comments opposing the promulgation of any regulations concerning a standard application format which were in excess of EPO and PCT regulations and not necessary to 18-month publication.

*Comment 13:* One comment indicated that the Office should clearly define or eliminate the "formal" pre-examination search requirement in MPEP 708.02.

*Response:* MPEP 708.02(VIII) provides that an application may be granted special status under the condition that, *inter alia*, the applicant:

Submits a statement that a pre-examination search was made, and specifying whether by the inventor, attorney, agent, professional searchers, etc., and listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement.

This definition of a pre-examination search is reasonably clear as to what actions are necessary for an applicant to have satisfied this requirement of MPEP 708.02(VIII), and the requirement for a pre-examination search is basic to the justification for granting special status to an application on that basis. No changes to 37 CFR 1.102 are being proposed.

*Comment 14:* One comment indicated that the publication of applications at 18 months will create a security review problem, especially where a nonprovisional, i.e., 35 U.S.C. 111(a), application claiming the benefit of a prior provisional application not subject to a secrecy order contains additional material which must be reviewed. Therefore, the Office should require that any nonprovisional applications claiming the benefit of a prior provisional application indicate any additional material by underlining and bracketing.

*Response:* Provisional applications will increase the number of applications requiring security screening. All provisional applications will require security screening immediately after filing in the same manner as nonprovisional applications due to the licensing provision of 35 U.S.C. 184. Any subsequent U.S. patent application claiming the benefit of a prior provisional application will also require security screening unless it is evident on its face that no additional subject matter is contained in the application beyond that in the provisional application. It would be beneficial for the applicant to provide this information to the Office upon filing of the nonprovisional application. Thus, the Office is considering suggesting that applicants employ a standard application transmittal letter similar to the standard transmittal letter for transmitting an international application to the United States Receiving Office (PTO-1382). This standard transmittal letter would indicate, *inter alia*: (1) any difference

between a provisional application and a nonprovisional application claiming the benefit of the provisional application; (2) the residence of the inventor(s) to avoid the unnecessary screening of foreign origin applications; and (3) any Government interests in the application, which applications should be screened through contract provisions.

*Comment 15:* One comment indicated that the Office should automatically place a secrecy order on any nonprovisional application in which the prior provisional application was under a secrecy order.

*Response:* The Office does not have the authority to impose a secrecy order without a specific recommendation from a defense agency. 35 U.S.C. 181. Additionally, all secrecy orders include the provision that any other patent application already or hereafter filed in this or any foreign country which contains any significant part of the subject matter of the application under secrecy order also falls within the scope of the secrecy order and must be brought to the immediate attention of Licensing and Review. See § 5.2(d). All papers pertaining to such applications must be filed under the provisions of § 5.33, i.e., to the attention of Licensing and Review. Thus, the applicant is obligated to maintain proper security of any nonprovisional application that claims benefit of a prior provisional application under a secrecy order.

*Comment 16:* One comment expressed concern that the defense agencies may not have sufficient time to complete national security review of applications made available to them under 35 U.S.C. 181 prior to publication at 18 months from the earliest filing date for which a benefit is sought, and suggested that applications not be published until they have been cleared by the defense agencies.

*Response:* H.R. 1733, if enacted, would provide for withholding an application from publication beyond 18 months from the earliest filing date for which a benefit is sought if the application is under a secrecy order or abandoned. There is no provision for delaying the publication of an application until a completion of all reviews under 35 U.S.C. 181. In addition, 35 U.S.C. 184 authorizes foreign filing of an application without the need for a license once the application has been on file for at least six (6) months. In view of 35 U.S.C. 184, the defense agencies must complete all security reviews within six (6) months of filing to prevent public disclosure. Thus, security review must be completed within six (6) months of the actual U.S. filing date. For those

applications due for publication prior to six (6) months from the actual filing date, e.g., those claiming the benefit of an earlier application filed more than 18 months prior and those which a petition for early publication has been granted, considerations of national security mandate a limited delay in publication. The Office will not pass an application for publication that is still under review by a defense agency unless it has been on file for at least six (6) months and the defense agency has been provided a minimum of three (3) months to review the application.

*Comment 17:* One comment indicated that the digitized images of the application file contents should be available in magnetic tape form in the morning of the day of publication.

*Response:* Digitized images of the Patent Application Notice and Technical Contents Publication will be available in magnetic tape form for a fee to all parties as soon as possible after publication similar to the way in which digitized images of granted patents are provided, assuming that there is interest in such products.

*Comment 18:* One comment indicated that it is unclear as to whether an examiner can cite the Patent Application Notice, and whether the examiner will be required to supply the full application specification.

*Response:* When an examiner cites a published application, a copy of the Technical Contents Publication will be provided with the Office action under the same conditions that a copy of the entire patent of any cited patent would currently be provided. That is, where an examiner would provide only those portions of a patent relied upon, rather than a copy of the entire patent due to its size, i.e., in instances of jumbo patents, the examiner would similarly be expected to provide only those portions of a published application relied upon in instances of jumbo applications.

*Comment 19:* One comment indicated that the entire application as filed should be published, otherwise the abandoned published application must be permanently stored in a manner that would permit on-site retrieval.

*Response:* The Technical Contents Publication of any published application will be electronically available, without any necessity for retrieval of the actual application file. Therefore, a printed publication of the application-as-filed would not provide any information not electronically available. Nevertheless, the actual file of an abandoned application may be readily obtained regardless of where it is stored.

*Comment 20:* One comment indicated that the 18-Month Publication Notice did not set forth the capacity of Patent and Trademark Depository Libraries (PTDLs) to: (1) Collect fees, (2) provide librarians of assistance, and (3) house new publications.

*Response:* Each PTDL sets its own service standard procedures. Any customer must directly contact the PTDL to ascertain its customer service standards and requirements. Nevertheless, as the Office proposes to publish only a Patent Application Notice, rather than the entire application-as-filed, in printed form, and further proposes to provide the Patent Application Notices and Technical Contents Publications to PTDLs through CD-ROM collections of facsimile images, this publication of applications would appear to alleviate, rather than exacerbate, any publication storage housing problems.

*Comment 21:* One comment indicated that the Office should provide a first Office action on the merits in all patent applications within 14 months of the actual filing date of the application in the United States.

*Response:* The ability of the Office to process application within any established time frame is entirely dependent upon the staff and resources allocated by Congress, the Office of Management and Budget (OMB), and the Department of Commerce (DoC). In January of 1995, the first Office action was mailed within 14 months of the actual filing date of the application in the United States in ninety-two (92) percent of all applications in which a first Office action was mailed. Any applicant who absolutely needs a first Office action on the merits mailed within 14 months of the actual filing date of the application should consider a petition to make special using the special examining procedure for certain new applications set forth in MPEP 708.02(VIII). In addition, any independent inventor meeting the requirements set forth in 35 U.S.C. 122(b)(2) and § 1.306(e), as proposed, may wish to consider filing the application with a petition under § 1.306(e).

*Comment 22:* One comment noted the current procedure of permitting applicants to submit trade secret material and later expunge the material if it is not necessary to patentability, and indicated that new procedures should be implemented in the content of pre-grant publication of pending applications.

*Response:* The current procedures for the treatment of petitions to expunge trade secret, proprietary, or protective

order material are set forth in MPEP 724.05. Applicants are cautioned, in MPEP 724.05, that in instances in which a decision on the petition is not made prior to the date on which the application issues as a patent, any material in the application file will remain open to public inspection, and, as such, petitions to expunge must be filed as soon as possible. Under an 18-month publication system, any material in the application file on the date the application is published would likewise remain open to public inspection. However, as petitions to expunge are considered under § 1.182, i.e., petitions not otherwise provided for, no change to the rules of practice regarding petitions to expunge is being proposed.

### Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, Parts 1, 3 and 5, are proposed to be amended as follows:

Section 1.4(a), as proposed, would add Patent Application Notices and Technical Contents Publications to those services and facilities which correspondence with the Office may comprise.

Section 1.5(a), as proposed, would provide that any letter concerning an application must identify on the top page in a conspicuous location, the application number (consisting of the series code and the serial number) or serial number and filing date assigned to that application by the Office, or the international application number of the international application, regardless of whether the application is a published application. That is, the identification required for a pending or abandoned application would not change due to its status as a published application.

Section 1.5(f), as proposed, would provide that a paper concerning a provisional application must identify the application as such and by the application number.

Section 1.5(g), as proposed, would provide that a paper relating to a Patent Application Notice should identify it as such and by the Patent Application Notice number. That is, a paper concerning a published application must identify the application by application number, not Patent Application Notice number; however, a paper concerning the Patent Application Notice *per se* must identify it by Patent Application Notice number.

Section 1.9(a), as proposed, would define an international application in subparagraph (a)(4), rather than in paragraph (b).

Section 1.9(b), as proposed, would now define a published application as an application for patent which has

been published pursuant to 35 U.S.C. 122(b).

A new § 1.9(h), as proposed, would define national security classified as specifically authorized under criteria established by Act of Congress or Executive Order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to Act of Congress or Executive Order.

Section 1.11, as proposed, would provide that, like an issued patent or a statutory invention registration, the specification, drawings, and all papers relating to the case in the file of an abandoned published application would be open to inspection by the public. Section 1.11, as proposed, would further provide that a copy of the specification, drawings, and all papers relating to the case in the file of any published application, a patent, or statutory invention registration may be obtained upon the payment of the fee set forth in § 1.19(b)(2). That is, while the actual application file of an abandoned published application, patent, and statutory invention registration would be available for public inspection, the actual application file of a pending published application would not be available for public inspection, but a copy of the specification, drawings, and all papers relating to a pending published application would, upon the payment of the fee set forth in § 1.19(b)(2), be provided to any member of the public.

Section 1.12, as proposed, would provide that the assignment records relating to published applications are available and open to public inspection at the Office, and copies of those assignment records may be obtained upon request and payment of the fee. Section 1.12 would further exclude the assignment records of published applications from those records that are preserved in confidence. Finally, § 1.12, as proposed, would revise paragraph (c) to read "preserved in confidence under § 1.14" for consistency with § 1.14.

Section 1.13, as proposed, would provide that, like an issued patent, certified and non-certified copies of Patent Application Notices, Technical Contents Publications, and the file wrapper and contents of published applications would, upon payment of a fee, be furnished to any person.

Section 1.14, as proposed, would revise the title and paragraphs (a) and (e) to read "preserved in confidence" for consistency with the language in 35 U.S.C. 122.

Section 1.14(a), as proposed, would provide that published applications are excluded from those pending and

abandoned applications which are maintained in confidence. Section 1.14(a), as proposed, would further change "the United States of America has been indicated as a Designated State in a published international application" to "a published international application in which the United States of America has been indicated as a Designated State" for clarity, and add "U.S. published application" to those documents in which identification of an application by application number or serial number and filing date would entitle the public to status information concerning the application. Section 1.14(a), as proposed, would further provide that reference to an application in a U.S. published application or patent, or identification of an application by application number or serial number and filing date in a published patent document or a published international application in which the United States of America has been indicated as a Designated State would entitle the public to the application number, filing date, and status information concerning any application claiming the benefit of the identified or referenced application. Finally, § 1.14(a), as proposed, would replace the phrase "serial number" with "application number or serial number and filing date" since the mere reference to a serial number without the series code (application number) or filing date would not constitute a reference to a specific single application.

Section 1.14(b), as proposed, would provide that published applications, as well as applications that are referred to in a published application, are excluded from those abandoned applications which are not open to public inspection. Section 1.14(b), as proposed, would further provide that applications that are referred to in applications open to public inspection pursuant to this section and applications which claim the benefit of an application open to public inspection pursuant to this section are also excluded from those abandoned applications which are not open to public inspection. Finally, § 1.14(b), as proposed, would further remove applications that have been published pursuant to 35 U.S.C. 122(b) from those abandoned applications that may be destroyed after 20 years from their filing date.

Section 1.16(a), (h) and (g), as proposed, would increase the filing fee for an original nonprovisional (35 U.S.C. 111(a)) or reissue application to \$780 (\$390 for small entities), and plant application to \$540 (\$270 for small entities). The filing fee for a design

application would not be affected by this proposed rule change.

Section 1.17(i), as proposed, would add petitions under § 1.306(d) for early publication of an application, petitions under § 1.306(e) for deferred publication of an application, and under § 1.701(f) for patent term extension based upon administrative delays not specifically provided for to the list of petitions for which the fee set forth in § 1.17(i) is required.

A new § 1.17(t), as proposed, would be added to establish the fee for submitting a protest under § 1.291 after publication of an application.

A new § 1.17(u), as proposed, would be added to establish the surcharge for accepting a late claim for priority under 35 U.S.C. 119(a)–(d) or for the benefit of a prior application under 35 U.S.C. 119(e), 120 or 121 filed during the pendency of the application.

Section 1.18 (a) and (c), as proposed, would increase the issue fee for an original or reissue application to \$1280 (\$640 for small entities), and plant application to \$660 (\$330 for small entities). The issue fee for a design application would not be affected by this proposed rule change.

Section 1.19(a)(1), as proposed, would add Patent Application Notices to the documents that the Office would supply in the manner of a patent upon payment of a fee.

A new § 1.19(a)(4), as proposed, would add Technical Contents Publications to the documents that the Office would supply upon payment of a fee.

Section 1.19(b)(2), as proposed, would add the file wrapper and contents of published applications to the files that the Office would supply a copy of upon payment of a fee.

Current § 1.19(b)(4), as proposed, would be redesignated as § 1.19(b)(5), and would add the assignment records of published applications to the assignment records that the Office would supply upon payment of a fee.

A new § 1.19(b)(4), as proposed, would provide the fees for a certified or uncertified copy of documents contained in a pending application. Section 1.19(b)(4)(i), as proposed, would provide that the fee for a certified or uncertified copy of the first document contained in a pending application would be \$75.00. Section 1.19(b)(4)(ii), as proposed, would provide that the fee for a copy of each commonly requested additional document contained in such pending application would be \$25.00. That is, while the fee for the first document contained in a pending application would be \$75.00, the fee for a copy of each additional document

contained in the same pending application and requested together with the first document would be \$25.00. Where, however, a person requests a first document from a pending published application, and subsequently requests an additional document, the additional document was not commonly requested with the first document, and the fee for the additional document would be \$75.00. Nevertheless, the fee for any further additional document(s) commonly requested with the additional document would be \$25.00 per additional document.

Section 1.19(c), as proposed, would provide that copies of all Technical Contents Publications published annually would also be provided to libraries upon payment of the fee for copies of all patents issued annually.

Section 1.20(e)–(g), as proposed, would increase the fee for maintaining an original or reissue patent in force beyond four years, eight years, and twelve years, respectively, to \$1020, \$2020, and \$3020, respectively (\$510, \$1010, and \$1510, respectively, for small entities).

Section 1.24, as proposed, would add the purchase of copies of Patent Application Notices and Technical Contents Publications to those documents for which the coupons set forth therein may be used.

Section 1.51(a)(1), as proposed, would further provide that a complete application comprises, inter alia, an abstract.

Section 1.52(a), as proposed, would provide that all papers which are to become a part of the permanent records of the Office must be legibly typed in permanent dark ink in portrait orientation on flexible, strong, smooth, non-shiny, durable and white paper. Currently, § 1.52(a) permits such papers to be hand-written, and does not limit the color of the ink or paper, quality of the paper, or orientation of the typing. Section 1.52(a), as proposed, would further provide that the application papers must be presented in a form having sufficient clarity and contrast between the paper and the typing thereon to permit electronic reproduction by use of digital imaging and optical character recognition, as well as the direct reproduction currently provided for. Section 1.52(a), as proposed, would further provide that substitute typewritten papers “will,” rather than “may,” be required if the original application papers are not of the required quality. As any substitute typewritten papers containing the subject matter of the originally filed application papers would constitute a

substitute specification, the provisions of § 1.125 governing the entry of a substitute specification would be applicable, and § 1.52(a), as proposed, would include a specific reference to § 1.125.

Section 1.52(b), as proposed, would provide that the claims must be set forth on a separate sheet. Section 1.72(b) currently provides that the abstract must be set forth on a separate sheet. Thus, §§ 1.52(b), as proposed, and 1.72(b) would require that the abstract and claims be set forth on a separate sheet. Section 1.52(b), as proposed, would further provide that the sheets of paper must be the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm (8½ by 11 inches), with a top margin of at least 2.0 cm. (¾ inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. (¾ inch), and a bottom margin of at least 2.0 cm. (¾ inch), and that no holes should be provided in the paper sheets. Section 1.52(b) currently provides that papers must be written on but one side, but this phrase is proposed to be changed to “typed on but one side” to conform to § 1.52(a) which, as proposed, would no longer permit hand-written or hand-printed (“written or printed”) papers. Section 1.52(b), as proposed, would further provide that the lines “must,” rather than “should,” be 1½ or double spaced, and that the pages “must,” rather than “should,” be numbered consecutively, starting with page one, with the numbers being centrally located above or below the text. Finally, § 1.52(b), as proposed, would specifically reference drawings to clarify that drawings are part of the application papers, but that the standards for drawings are set forth in § 1.84.

Section 1.52(d), as proposed, would provide that where an application is filed in a language other than English, the verified English translation of the non-English-language application and the fee set forth in § 1.17(k) are required to be filed with the application or within such time period as may be set by the Office, and that extensions of time pursuant to § 1.136(a) would not be available for submitting the English translation.

Section 1.53(d)(1), as proposed, would further provide that the applicant will be given a time period within which to file an abstract and claims on a separate sheet, or substitute specification in compliance § 1.125 with papers typed on but one side of the paper or new sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality, and in a proper

size and format for electronic reproduction in instances in which the application papers did not comply with §§ 1.52 (a) and (b), as proposed, or the drawings were of such poor quality as to preclude their digital image scanning into the electronic data base. Section 1.53(d)(1), as proposed, would further provide that extensions of time pursuant to § 1.136(a) would not be available for filing an abstract and claims on a separate sheet, and a substitute specification with papers typed on but one side of the paper and sheets of drawings, each of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction.

Section 1.54(b), as proposed, would provide that the applicant will be informed of the application number, filing date, and projected publication date on a filing receipt. The phrase “application serial number” would be changed to “application number” for consistency with § 1.5(a).

Section 1.55(a), as proposed, would provide that any claim to priority under 35 U.S.C. 119(a)–(d) must be stated within two months of filing or within fourteen months of the date of the prior foreign application, whichever is later, and must identify the prior foreign application by specifying its application number, country, and day, month and year of its filing. The proposed amendment to § 1.55, however, would not affect claims to priority under 35 U.S.C. 172, and would not affect the time periods set forth in § 1.55(a) for the perfection of any claim for priority under 35 U.S.C. 119 (a)–(d), i.e., the filing of a certified copy of the foreign application.

Section 1.55(c), as proposed, would provide a procedure for the acceptance of claim to priority under 35 U.S.C. 119(a)–(d) presented after the time period set in § 1.55(a). The procedure would require the filing of a petition during the pendency of the application requesting acceptance of the delayed claim, the surcharge set forth in § 1.17(u), and a statement that the delay was unintentional.

Section 1.55(d), as proposed, would provide that the time periods set forth in this section, i.e., two months of filing or within fourteen months of the filing date of the prior foreign application as set forth in § 1.55(a), and during the pendency of the application as set forth in § 1.55(c), cannot be extended.

Section 1.58(b), as proposed, would be removed and reserved as unnecessary in view of the proposed amendments to §§ 1.52 (a) and (b).

Section 1.58(c), as proposed, would delete the sentence “[i]f it is not

possible to limit the width of a formula or table to 5 inches (12.7 cm.), it is permissible to present the formula or table with a maximum width of 10¾ inches (27.3 cm.) and to place it sideways on the sheet” and “[h]and lettering must be neat, clean, and have a minimum character height of 0.08 inch (2.1 mm.)” to conform to the typing and paper size and orientation limitations in §§ 1.52 (a) and (b), as proposed. Section 1.58(c), as proposed, would further provide metric dimensions with English equivalents in parentheses, rather than vice versa.

Section 1.60(d), as proposed, would provide that the applicant will be given a time period, which is not extendable under § 1.136(a), within which to file an abstract and claims on a separate sheet, and a substitute specification in compliance with § 1.125 with papers typed on but one side of the paper and sheets of drawings, each of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction where the papers of the prior application did not comply with §§ 1.52 (a) and (b), as proposed, or the drawings of the prior application were of such poor quality as to preclude their digital image scanning into the electronic data base.

Section 1.62(d), as proposed, would provide that the applicant will be given a time period, which is not extendable under § 1.136(a), within which to file any substitute specification and drawings required under § 1.62(e)(2), discussed *infra*.

Section 1.62(e), as proposed, would be subdivided into paragraphs (e)(1) and (e)(2) for clarity. Section 1.62(e)(1), as proposed, would contain the first two (2) sentences of § 1.62(e) without change. Section 1.62(e)(2), as proposed, would provide that a substitute specification and drawings would be required when the application being filed under § 1.62 is a continuation-in-part application. Section 1.62(e) currently provides that no copy of the prior application or new specification is required, that the filing of a copy of the prior application or new specification is in fact considered improper, and that a petition with instructions to cancel the copy of the prior application or new specification is necessary to obtain the date of deposit of the request for an application under § 1.62 as the filing date. Section 1.62(e)(2), as proposed, would provide that any new specification filed will not be considered part of the original application papers, but will be treated as a substitute specification in accordance with § 1.125.

Section 1.62(f), as proposed, would amend “35 U.S.C. 122” to read “35 U.S.C. 122(a)” to reflect the changes in H.R. 1733, if enacted, would change “secrecy” to “confidence” as is found in § 1.14, as proposed, and would change “37 CFR 1.14” to “§ 1.14” for consistency.

Section 1.72(b), as proposed, would provide that the abstract should be prior to the first page of the specification, rather than following the claims, to conform to § 1.77, as proposed.

Section 1.75, as proposed, would include an amendment to paragraph (g), and would add two new paragraphs. Section 1.75(g), as proposed, would add the phrase “the least restrictive claim should be presented as claim number 1” to paragraph (g) to facilitate the selection of a representative claim. Section 1.75(h), as proposed, would provide that the claim or claims must be set forth on a separate sheet. Section 1.75(i), as proposed, would provide that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation to facilitate the digital image and/or OCR scanning of the claim into the electronic data base.

Section 1.77, as proposed, would provide that the elements of the application, if applicable, should appear in the following order: (1) Utility Application Transmittal Form; (2) Fee Transmittal Form; (3) abstract of the disclosure; (4) title of the invention; or an introductory portion stating the name, citizenship, and residence of the applicant, and the title of the invention may be used; (5) cross-reference to related applications; (6) statement regarding federally sponsored research or development; (7) reference to a “Microfiche appendix; (8) background of the invention; (9), brief summary of the invention; (10) brief description of the several views of the drawing; (11), detailed description; (12) claim or claims; (13) drawings; (14) executed oath or declaration; and (15) sequence listing. The phrase “if applicable” is proposed to be inserted in the heading, rather than associated with any particular listed element, to clarify that § 1.77 does not per se require that an application include all of the listed elements, but merely provides that any listed element included in the application should appear in the order set forth in § 1.77. Section 1.77, as proposed, would further provide that the (1) abstract of the disclosure; (2) title of the invention; (3) cross-reference to related applications; (4) statement regarding federally sponsored research or development; (5) background of the invention; (6) brief summary of the

invention; (7) brief description of the several views of the drawing; (8) detailed description; (9) claim or claims; and (10) sequence listing, should appear in upper case, without underlining or bold type, as section headings, and if no text follows the section heading, the phrase “Not Applicable” should follow the section heading. Finally, § 1.77, as proposed, would be amended to change the reference to § 1.96(b) in § 1.77(c)(2), § 1.77(a)(7) as proposed, to § 1.96(c) for consistency with § 1.96, as proposed.

Section 1.78(a)(2), as proposed, would provide that any claim to the benefit of any prior filed copending nonprovisional application or international application designating the United States of America must be stated within two months of filing or fourteen months from the filing date of the prior application, whichever is later, and must include an identification of the prior application by application number.

Section 1.78(a)(3), as proposed, would delete the sentence “[s]ince a provisional application can be pending for no more than twelve months, the last day of pendency may occur on a Saturday, Sunday, or Federal holiday within the District of Columbia which for copendency would require the nonprovisional application to be filed prior to the Saturday, Sunday, or Federal holiday.” In view of the proposed amendment in H.R. 1733 to 35 U.S.C. 119(e), the provisions of § 1.7 would be applicable to a nonprovisional application claiming the benefit of a prior provisional application.

Section 1.78(a)(4), as proposed, would provide that any claim to the benefit of any prior filed copending provisional application must be stated within two months of filing or within fourteen months of the filing date of the prior application, whichever is later, and must include an identification of the prior application by application number.

Section 1.78(a)(5), as proposed, would provide a procedure for the acceptance of a delayed claim to priority under 35 U.S.C. 119(e), 120 or 121. The procedure would require the filing of a petition during the pendency of the application requesting acceptance of the delayed claim, the surcharge set forth in § 1.17(u), and a statement that the delay was unintentional.

Section 1.78(a)(6), as proposed, would provide that the time periods set forth in this paragraph, i.e., two months of filing or within fourteen months of the filing date of the prior application as set forth in §§ 1.78 (a)(2) and (a)(4), and during the pendency of the application

as set forth in § 1.78(a)(5), cannot be extended.

Section 1.78(c), as proposed, would change "two or more applications or an application and a patent" to "an application or a patent under reexamination and an application or a patent" such that the provisions of § 1.78(c) will also be applicable to a patent under reexamination. Section 1.78(c), as proposed, would further correct "inventors and owned by the same party contain conflicting claims" to read "inventors are owned by the same party and contain conflicting claims."

Section 1.78(d), as proposed, would change "obviousness-type double patenting rejection" to "non-statutory double patenting rejection" as current examining procedures authorize non-obviousness-type double patenting rejections, as well as obviousness-type double patenting rejections (MPEP 804(II)), and either may be obviated by filing a terminal disclaimer in accordance with § 1.321(b). Section 1.78(d), as proposed, would further change each instance of "application" to "application or a patent under reexamination" for consistency with § 1.321(b) and to clarify that double patenting is a proper consideration in reexamination (*Ex parte Obiaya*, 227 USPQ 58, 60-61 (Bd. Pat. App. & Inter. 1985)), and that a non-statutory double patenting rejection in a patent under reexamination may be obviated by filing a terminal disclaimer in accordance with § 1.321(b).

Section 1.84(c), as proposed, would provide that a reference to the application number, or, if an application number has not been assigned, the inventor's name, may be included in the left-hand corner of the drawing sheet, provided that reference appears within 1.5 cm. ( $\frac{9}{16}$  inch) from the top of the sheet. As the back side of a drawing sheet will not be scanned into the electronic data base, an applicant can include other identifying indicia on the back side the drawing sheet.

Section 1.84(f), as proposed, would provide that the size of all drawing sheets in an application must be either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inches) to conform to the requirement in § 1.52(b) concerning papers in an application.

Section 1.84(g), as proposed, would be amended to delete the margin requirements for the sheet sizes that would no longer be acceptable if the proposed change to § 1.84(f) were adopted. Section 1.84(g), as proposed, would be further amended to provide that, to facilitate digital image scanning

of the drawing sheets, the sheets should have scan targets (cross-hairs) on two cater-corner margin corners. Finally, § 1.84(g), as proposed, would increase the bottom and side margins such that each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( $\frac{9}{16}$  inch), and a bottom margin of at least 1.0 cm. ( $\frac{3}{8}$  inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 cm. on 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. by 24.4 cm. ( $6\frac{15}{16}$  by  $9\frac{5}{8}$  inches) on 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inch) drawing sheets.

Section 1.84(j), as proposed, would provide that one of the views should be suitable for publication in the Patent Application Notice, and the Gazette of Patent Application Notices, as well as the Official Gazette, as the illustration of the invention.

Section 1.84(x), as proposed, would be amended to delete the provisions indicating the proper location for holes in a drawing sheet, and provide that no holes should be provided in the drawing sheets.

Section 1.85, as proposed, would provide that drawings must be suitable for "electronic" reproduction "by digital imaging" before being admitted for examination. As discussed supra, as a drawing figure will be included in the Gazette Entry in the Gazette of Patent Application Notices and the Patent Application Notice, drawings suitable for electronic reproduction by digital imaging would be necessary for the initial processing of the application.

Section 1.96, as proposed, would be amended to designate the text preceding current paragraph (a) as paragraph (a), and would redesignate current paragraphs (a) and (b) as paragraphs (b) and (c), respectively. New § 1.96(a), as proposed, would be further amended to insert a period between "specification" and "[a] computer," to change "these rules" to "this section," and to change "may be submitted in patent applications in the following forms" to "may be submitted in patent applications as set forth in paragraphs (b) and (c) of this section."

New § 1.96(b), as proposed, would be further amended to change the sentences "[t]he listing may be submitted as part of the specification in the form of computer printout sheets (commonly 14 by 11 inches in size) for use as "camera ready copy" when a patent is subsequently printed" and "[s]uch computer printout sheets must be original copies from the computer with dark solid black letters not less than 0.21 cm high, on white, unshaded

and unlined paper, the printing on each sheet must be limited to an area 9 inches high by 13 inches wide, and the sheets should be submitted in a protective cover" to "[a]ny listing submitted as part of the specification must be original copies from the computer with dark solid black letters not less than 0.21 cm high, on white, unshaded and unlined paper, and the sheets should be submitted in a protective cover," to delete the sentence "[w]hen printed in patents, such computer printout sheets will appear at the end of the description but before the claims and will usually be reduced about  $\frac{1}{2}$  in size with two printout sheets being printed as one patent specification page," and to delete the phrase "if the copy is to be used for camera ready copy." Section 1.96(a)(1), new § 1.96(b)(1) as proposed, currently provides that the requirements of § 1.84 apply to computer program listings submitted as sheets of drawings, and § 1.96(a)(2), new § 1.96(b)(2) as proposed, currently provides that the requirements of § 1.52 apply to computer program listings submitted as part of the specification. Section 1.52(b), as proposed, would require that the sheets of paper be the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inches), with a top margin of at least 2.0 cm. ( $\frac{3}{4}$  inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. ( $\frac{3}{4}$  inch), and a bottom margin of at least 2.0 cm. ( $\frac{3}{4}$  inch), and § 1.52(a), as proposed, would require that application papers be legibly typed in permanent dark ink in portrait orientation.

New § 1.96(c), as proposed, would be amended to change the references to § 1.77(c)(2) in new § 1.96(c) to § 1.77(a)(7) for consistency with § 1.77, as proposed, to change "may" and "should" to "must," to delete the sentence "[a]ll computer program listings submitted on paper will be printed as part of the patent," to relocate the phrase "except as modified or clarified below" in subsection (c)(2), to change the phrase "computer-generated information submitted as an appendix to an application for patent shall be in the form of microfiche in accordance with the standards" to "computer-generated information submitted as a "microfiche appendix" to an application shall be in accordance with the standards" for clarity, to change to sentences "[e]ither Computer-Output-Microfilm (COM) output or copies of photographed paper copy may be submitted" and "[i] the former case, NMA standards MS1 and MS2 apply; in

the latter case, standard MS5 applies" to "[c]omputer-Output-Microfilm (COM) output may be submitted in accordance with either NMA standard MS1 or MS2," to change "serial number" to "application number," and to provide metric dimensions with English equivalents in parentheses, rather than vice versa.

Section 1.97(a)-(d), as proposed, would be amended to include the phrase "for an applicant for patent or for reissue of a patent, or an owner of a patent under reexamination" in paragraph (a) and "by the applicant or patent owner" to clarify that § 1.97 is not available for any third party seeking to have information considered in a pending application. Any third party seeking to have information considered in a pending application must proceed under §§ 1.291 or 1.292, both discussed *infra*. Section 1.97(c), as proposed, would be further amended to correct the phrase "certification as specified in paragraph (3) of this section" to read "certification as specified in paragraph (e) of this section."

Section 1.98, as proposed, would provide that any Patent Application Notice or Technical Contents Publication listed in an information disclosure statement must be identified by applicant, Patent Application Notice number or Technical Contents Publication number and publication date. Section 1.98, as proposed, would also limit those U.S. patent applications of which a copy need not be included to unpublished applications.

Section 1.107, as proposed, would provide that if domestic published applications are cited by the examiner, their Technical Contents Publication number, publication date, the names of the applicants must be stated. Section 1.107, as proposed, would be amended to delete the phrase "and the classes of inventions."

Section 1.108, as proposed, would further except published applications from those abandoned applications that will not be cited as references.

Section 1.131(a), as proposed, would include pending or patented U.S. published applications which substantially show or describe but do not claim the same patentable invention, as defined in § 1.601(n), and abandoned U.S. published applications as references to which the provisions of § 1.131 apply. Pending or patented U.S. applications would be treated in the same manner that U.S. patents are currently treated, i.e., § 1.131 would apply only if the pending or patented application does not claim the same patentable invention. Abandoned U.S. published applications would be treated

in the manner that foreign patents or printed publications are currently treated. As U.S. published applications, either pending, abandoned or patented, may constitute prior art under 35 U.S.C. 102(a) or (e), this change, and the change to § 1.132 *infra*, are necessary to accommodate such references.

In a Notice of Proposed Rulemaking published in the **Federal Register** at 59 FR 49876 (September 30, 1994) and in the Official Gazette at 1167 Off. Gaz. Pat. Office 96-97 (October 25, 1994) (§ 1.131 Notice of Proposed Rulemaking), § 1.131(a) was proposed to be amended to, *inter alia*, broaden its application to instances in which inventions of a pending application or patent under reexamination and a patent held by a single party are not identical as set forth in 35 U.S.C. 102, but not patentably distinct, and changes to § 1.131 were adopted as a final rule. 60 FR 21043 (May 1, 1995); 1174 Off. Gaz. Pat. Office 155 (May 30, 1995). An amendment to § 1.131(a) was proposed in the § 1.131 Notice of Proposed Rulemaking to avoid a potential conflict between § 1.131(a) and § 1.602(a) in instances in which § 1.131(a) prohibits the filing of affidavits or declarations thereunder when the same patentable invention as defined in § 1.601(n) is being claimed, but § 1.602(a) prohibits, unless good cause is shown, the declaration or continuance of an interference when the application(s) and patent are owned by a single party. While this conflict between two pending applications can be avoided by filing a continuation-in-part application merging the conflicting inventions into a single application, this conflict can result in hardship where there is a pending application and an issued patent that can no longer be merged by filing a continuation-in-part application.

Specifically, the proposed amendment to § 1.131(a) in the § 1.131 Notice of Proposed Rulemaking would have permitted the filing of an affidavit or declaration thereunder in a pending application or patent under reexamination to avoid a rejection under 35 U.S.C. 103 based upon a patent which qualifies as prior art only under 35 U.S.C. 102(a) or (e) where the pending application or patent under reexamination and patent upon which the rejection was based were owned by a single party. This proposed amendment to § 1.131(a) in the § 1.131 Notice of Proposed Rulemaking, however, was withdrawn in the final rule to permit further study.

Section 1.131(a), as currently proposed, would permit a showing of prior invention in a pending application or patent under reexamination to avoid

a rejection under 35 U.S.C. 103 based upon a patent which qualifies as prior art only under 35 U.S.C. 102(a) or (e), where the application or patent under reexamination and the patent upon which the rejection is based are both owned by a single party, so long as the invention claimed in the pending application or patent under reexamination and in the other patent are not identical as set forth in 35 U.S.C. 102. Section 1.131(a)(3), as proposed, would not require common ownership at the time the latter invention was made, but consistent with § 1.602(a), would require only that there be common ownership when the § 1.131 affidavit or declaration is under consideration.

Where the patent upon which the rejection is based is not prior art under 35 U.S.C. 102 (a) or (e), but is prior art only under 35 U.S.C. 102(f) or (g), to the pending application or patent under reexamination, and the invention claimed in the pending application or patent under reexamination is not identical as set forth in 35 U.S.C. 102, the issue is whether the subject matter of the other patent and the invention claimed in the pending application or patent under reexamination were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, i.e., whether the patent upon which the rejection is based is disqualified as prior art under the second paragraph of 35 U.S.C. 103, and §§ 1.78 (c) and (d) are applicable to this issue. Where, however, the patent upon which the rejection is based is prior art under 35 U.S.C. 102(a) or (e), it cannot be disqualified as prior art under the second paragraph of 35 U.S.C. 103, and as such §§ 1.78 (c) and (d) are inapplicable. Section 1.131(a)(3), as currently proposed, would permit a showing of prior invention in an application or patent under reexamination where the application or patent under reexamination and patent upon which the rejection was based were owned by a single party.

As the conflict between two pending applications can be avoided by filing a continuation-in-part application merging the conflicting inventions into a single application, § 1.131(a)(3), as proposed, provides only for a showing of prior invention to avoid a rejection based upon a patent. In situations in which two pending applications claiming patentably indistinct but not identical inventions are held by a single party but cannot be merged into a single application, petitions under § 1.183 will be entertained for waiver of the § 1.131

requirement that the rejection be based upon a patent.

Section 1.131, as proposed, would not affect a statutory or non-statutory double patenting rejection. Specifically, affidavits or declarations under § 1.131 will continue to be ineffective where the claims of the pending application or the patent undergoing reexamination are rejected under 35 U.S.C. 101 for double patenting and the claims of the pending application or the patent under reexamination claim the identical invention of a patent. However, where patentably indistinct but not identical inventions are claimed, a non-statutory double patenting rejection can be overcome by filing an appropriate terminal disclaimer.

Section 1.132, as proposed, would change "domestic" to "U.S." for consistency with § 1.131, and would include U.S. pending published applications which substantially show or describe but do not claim the invention, and abandoned published applications as references to which the provisions of § 1.132 apply for the reasons discussed supra.

Section 1.136(a), as proposed, would provide that extensions under § 1.136(a) are not available where the response is to a requirement for an English translation, an abstract or claims on a separate sheet, or substitute specification or sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction submitted pursuant to §§ 1.52(d), 1.53(d), 1.60(d), 1.62(d), 1.494(c), or 1.495(c), or an oath or declaration submitted pursuant to §§ 1.494(c) or 1.495(c).

Section 1.138, as proposed, would add "or publication" to the end of the sentence that "express abandonment of the application may not be recognized by the Office unless it is actually received by appropriate officials in time to act thereon before the date of issue" to clarify that the express abandonment must be filed in sufficient time to permit its correlation with the application file and the termination of the publication process. Section 1.138, as proposed, would further provide that an applicant seeking to abandon an application to avoid publication of the application must submit a proper letter of express abandonment at least two months prior to the projected date of publication to allow sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process, and that unless an applicant receives written acknowledgement of the letter of express abandonment prior to the projected date of publication,

applicant should expect that the application will be published in due course.

Section 1.154, as proposed, would provide that the elements of a design application, if applicable, should appear in the following order: (1) Design Application Transmittal Form; (2) Fee Transmittal Form; (3) preamble, stating name of the applicant and title of the design; (4) cross-reference to related applications; (5), statement regarding federally sponsored research or development; (6) description of the figure or figures of the drawing; (7) description; (8) claim; (9) drawings or photographs; and (10) executed oath or declaration. The phrase "[t]he following order of arrangement should be observed in framing design specifications" is proposed to be changed to "[t]he elements of the design application, if applicable, should appear in the following order" to clarify that § 1.154 does not per se require that an application include all of the listed elements, but merely provides that any listed element included in the application should appear in the order set forth in § 1.154.

A new § 1.163(c), as proposed, would be added to provide that the elements of a plant application, if applicable, should appear in the following order: (1) Plant Application Transmittal Form; (2) Fee Transmittal Form; (3) abstract of the disclosure; (4) title of the invention; (5) cross-reference to related applications; (6) statement regarding federally sponsored research or development; (7) background of the invention; (8) brief summary of the invention; (9) brief description of the drawing; (10) detailed botanical description; (11) claim; (12) drawings (in duplicate); (13) executed oath or declaration; and (14) Plant Color Coding Sheet. The phrase "if applicable" is proposed to be included in the heading, rather than associated with any particular listed element, to clarify that § 1.163 does not per se require that an application include all of the listed elements, but merely provides that any listed element included in the application should appear in the order set forth in § 1.163.

A new § 1.163(d), as proposed, would be added to define a plant color coding sheet. A plant color coding sheet is a sheet that specifies a color coding system as designated in a recognized color dictionary, and lists every plant structure to which color is a distinguishing feature and the corresponding color code which best represents that plant structure. The plant color coding sheet will provide a means for applicants to uniformly convey detailed color characteristics of

the plant. Providing this information in a systematic manner will facilitate the examination of the application.

Section 1.291, as proposed, would provide that a protest must be filed within two months of the date the application is published or prior to the mailing of a Notice of Allowance, whichever occurs first, to be considered timely, and that any protest submitted after publication must be accompanied by the fee set forth in § 1.17(t). In addition, § 1.291(a)(2), as proposed, would require that any protest filed after the date the application was published be served upon the applicant in accordance with § 1.248, i.e., filing two copies of the protest in the Office would not be acceptable. As a protest cannot be considered subsequent to issuance of the application as a patent, § 1.291(b), as proposed, would provide that the protest will be considered if the application is still pending when the protest and application file is brought before the examiner, i.e., that the application was pending at the time the protest was filed would be immaterial to its ultimate consideration. Finally, § 1.291, as proposed, would further locate the sentences "[p]rotests raising fraud or other inequitable conduct issues will be entered in the application file, generally without comment on those issues" and "[p]rotests which do not adequately identify a pending patent application will be disposed of and will not be considered by the Office" in paragraph (b).

Section 1.292, as proposed, would be amended to delete the phrase "is filed by one having information of the pendency of an application" as applications will no longer necessarily be maintained in confidence throughout their entire pendency, and would move the requirement for the fee set forth in § 1.17(j) from paragraph (a) to paragraph (b) where the conditions for entry of a petition for the institution of public use proceedings are set forth. Section 1.292, as proposed, would further require that any petition filed after the date the application was published be served on the applicant in accordance with § 1.248. Finally, § 1.292, as proposed, would provide that a petition to institute public use proceedings must be filed within two months of the date the application is published or prior to the mailing of a Notice of Allowance, whichever occurs first, to be considered timely.

Sections 1.305 through 1.309 are proposed to be added to set forth the procedures for the 18-month publication of patent applications.

Section 1.305, as proposed, would provide that applications may be



withdrawn from publication at the initiative of the Office or upon request by the applicant. The basis for the withdrawal of an application from publication would be limited to: (1) A mistake on the part of the Office, e.g., the application is abandoned or has issued as a patent, or the projected publication date is not at 18 months from the earliest filing date for which a benefit is sought; (2) the application is either national security classified or subject to a secrecy order pursuant to 35 U.S.C. 181; or (3) express abandonment of the application.

Section 1.306(a), as proposed, would provide that applications under 35 U.S.C. 111(a), 161 or 371 will be published as soon as possible after the expiration of a period of 18 months from the filing date, including the earliest filing date for which a benefit is sought, but excludes applications that: (1) Are national security classified or subject to a secrecy order pursuant to 35 U.S.C. 181; (2) have issued as a patent; (3) are recognized by the Office as no longer pending, i.e., are abandoned; or (4) were previously published through early publication.

Section 1.306(b), as proposed, would provide that the publication of an application will include a notice designated as a "Gazette Entry" containing information such as the application number, filing date, title, inventor's name, abstract, a drawing figure, a representative claim, and U.S. and IPC classification in a Gazette of Patent Application Notices, and a printed publication designated as a Patent Application Notice or PAN containing information such as the application number, filing date, title, inventor's name, correspondence address, abstract, a drawing figure, a representative claim, and U.S. and IPC classification. In addition, § 1.306(b), as proposed, would provide that the publication of an application will include a document designated as a Technical Contents Publication containing the Patent Application Notice, and the specification, abstract, claims, and drawings of the original application papers. Finally, § 306(b), as proposed, would provide that publication would include public access to a copy of the specification, drawings, and all papers relating to the application file in accordance with § 1.11.

Section 1.306(c), as proposed, would provide that provisional applications under 35 U.S.C. 111(b) shall not be published, and that design applications under 35 U.S.C. 171 and reissue applications under 35 U.S.C. 251 shall not be published pursuant to § 1.306. H.R. 1733, if enacted, would not

authorize the publication of design applications (prior to their issuance as patents) or provisional applications. Reissue applications are currently published through the announcement in the Official Gazette of the filing of the reissue application, and the opening of the application to public inspection in accordance with § 1.11(b).

Section 1.306(d), as proposed, would provide for the early publication of applications. Any request for early publication of an application should be filed as soon as possible, and must be by way of petition, including the fee set forth in § 1.17(i). In addition, any application must include an abstract and claims on a separate sheet, any substitute specification or drawings required pursuant to §§ 1.53(d), 1.60(d), or 1.62(d), and any English translation required pursuant to § 1.52(d). The Office cannot assure publication of an application on any certain date, and, as such, requests for publication on a date certain will be treated as a request for publication as soon as possible. Finally, as H.R. 1733, if enacted, would not authorize the publication of provisional applications, no consideration will be given to any request for the early publication of a provisional application.

Section 1.306(e), as proposed, would implement the provisions in H.R. 1733 (35 U.S.C. 122(b)(2)) for, under limited circumstances, not publishing an application under 35 U.S.C. 122(b) until three months after an Office action under 35 U.S.C. 132. Section 1.306(e), as proposed, would specifically provide that an applicant who is an independent inventor and has been accorded status under 35 U.S.C. 41(h) in an application that does not claim the benefit of an earlier filing date under 35 U.S.C. 119, 120, 121, 365(a) or 365(c) may request that the application not be published until three months after an action on the merits, and that a petition requesting that the application not be published until three months after an action on the merits must be submitted on filing, and accompanied by the petition fee set forth in § 1.17(i) and a certification that the invention disclosed in the application was not or will not be the subject of an application filed in a foreign country, which certification must be verified if made by a person not registered to practice before the Patent and Trademark Office.

Section 1.307, as proposed, would provide for the delivery of the printed publication, i.e., the Patent Application Notice or PAN, to the correspondence address of record, which is the manner in which a patent is currently delivered to the patentee.

Section 1.308, as proposed, would provide for the correction of the printed publication, but such correction would be granted only for a significant mistake made by the Office which is apparent from Office records.

Section 1.315, as proposed, would change "the attorney or agent of record, if there be one; or if the attorney or agent so requests, to the patentee or assignee of an interest therein; or, if there be no attorney or agent, to the patentee or to the assignee of the entire interest, if he so requests" to "the correspondence address of record. See § 1.33(a)" for simplicity as patents are currently mailed to the patentee at the correspondence address of record.

Section 1.321(c), as proposed, would change "double patenting rejection" to "non-statutory double patenting rejection" for consistency with § 1.78(c), as proposed, and to clarify that the filing of a terminal disclaimer is ineffective to overcome a statutory double patenting rejection.

Section 1.492(a), as proposed, would increase the basic national fee for international applications entering the national stage under 35 U.S.C. 371 to: (1) \$710 (\$355 for a small entity) where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the Office; (2) \$780 (\$390 for a small entity) where no international preliminary examination fee as set forth in § 1.482 has been paid to the Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the Office as an International Searching Authority; (3) \$1040 (\$520 for a small entity) where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the Office; (4) \$120 (\$60 for a small entity) where the international preliminary examination fee as set forth in § 1.482 has been paid to the Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)); and (5) \$910 (\$455 for a small entity) where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office.

Section 1.494 (c) and (g), as proposed, would provide that the applicant will be given a time period within which to file an abstract and claims on a separate

sheet, or substitute specification in compliance § 1.125 with papers typed on but one side of the paper or new sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality, and in a proper size and format for electronic reproduction in instances in which the application papers did not comply with §§ 1.52 (a) and (b), as proposed, or the drawings were of such poor quality as to preclude their digital image scanning into the electronic data base. Section 1.494(c), as proposed, would further provide that extensions of time pursuant to § 1.136(a) would not be available for filing an English translation, oath or declaration, abstract and claims on a separate sheet, and a substitute specification with papers typed on but one side of the paper and sheets of drawings, each of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction.

Section 1.495 (c) and (h), as proposed, would provide that the applicant will be given a time period within which to file an abstract and claims on a separate sheet, or substitute specification in compliance § 1.125 with papers typed on but one side of the paper or new sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality, and in a proper size and format for electronic reproduction in instances in which the application papers did not comply with §§ 1.52 (a) and (b), as proposed, or the drawings were of such poor quality as to preclude their digital image scanning into the electronic data base. Section 1.495(c), as proposed, would further provide that extensions of time pursuant to § 1.136(a) would not be available for filing an English translation, oath or declaration, abstract and claims on a separate sheet, and a substitute specification with papers typed on but one side of the paper and sheets of drawings, each of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction.

The proposed rules to implement 18-month publication provide that extensions of time pursuant to § 1.136(a) are not available for submissions which will affect the publication of the application. Section 1.53(d)(1), as proposed, does not exclude extensions of time pursuant to § 1.136(a) for the filing of an oath or declaration as the absence of an oath or declaration for an application filed under 35 U.S.C. 111(a) does not affect the publication of the application. Section 1.306(a), as proposed, does not provide for the publication of a national application for

patent which resulted from an international application until after compliance with 35 U.S.C. 371, and an international application is not in compliance with 35 U.S.C. 371 until an oath or declaration is filed. See 35 U.S.C. 371(c)(4). Therefore, the absence of an oath or declaration will affect the publication of an application under 35 U.S.C. 371. Accordingly, §§ 1.494(c) and 1.495(c), unlike § 1.53(d)(1), provide that the period for filing the oath or declaration cannot be extended pursuant to § 1.136(a) to consistently provide that extensions of time pursuant to § 1.136(a) are not available for submissions which will affect the publication of the application.

Section 1.497(a), as proposed, would be amended to provide that an applicant in an international application must file an oath or declaration that: (1) is executed in accordance with either §§ 1.66 or 1.68, (2) identifies the specification to which it is directed, (3) identifies each inventor and the country of citizenship of each inventor, and (4) states that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought, rather than an oath or declaration in accordance with § 1.63, to enter the national stage pursuant to §§ 1.494 or 1.495. Currently, the failure to file an oath or declaration in strict compliance with § 1.63 results in non-compliance with § 1.497, and thus 35 U.S.C. 371, which in turn delays the entry of the international application into the national stage. To expedite the entry of international applications into the national stage, § 1.497(a), as proposed, would require only an oath or declaration that is properly executed, identifies the specification to which it is directed, and, as required by 35 U.S.C. 115, identifies each inventor and the country of citizenship of each inventor and states that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Section 1.497(b), as proposed, would be subdivided into paragraphs (b)(1) and (b)(2). Section 1.497(b)(1), as proposed, would provide that the oath or declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43 or 1.47. Section 1.497(b)(2), as proposed, would change "[i]f the international application was made as provided in §§ 1.422, 1.423 or 1.425, the applicant shall state his or her relationship to the inventor and, upon

information and belief, the facts which the inventor is required by § 1.63 to state" to "[i]f the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor and, upon information and belief, the facts which the inventor is required to state" such that § 1.497(b), as proposed, would be parallel to § 1.64.

Section 1.497(c), as proposed, would be added to provide that the oath or declaration must comply with the requirements of § 1.63. Section 1.497(c), as proposed, would further provide that in instances in which the oath or declaration does not comply with § 1.63, but meets the requirements of § 1.497 (a) and (b), as proposed, the oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4) and §§ 1.494(c) or 1.495(c), thus permitting the application to enter the national stage and the assignment of dates under 35 U.S.C. 102(e) and 371(c). A supplemental oath or declaration in compliance with § 1.63, however, will be required in accordance with § 1.67.

Section 1.701(a), as proposed, would add "an unusual administrative delay by the Office" to the bases for extension of patent term due to prosecution delay. H.R. 1733 provides that the Commissioner shall prescribe regulations to govern the particular circumstances deemed to be an unusual administrative delay. Section 1.701(a)(4)(i), as proposed, would set forth the failure to act on a reply under § 1.111 or appeal brief under § 1.192 within six months of the date it was filed; the failure to act on an application within six months of the date of a decision under § 1.196 by the Board of Patent Appeals and Interferences where claims stand allowed in an application or the nature of the decision requires further action by the examiner; and the failure to issue a patent within six months of the date that the issue fee was paid and all outstanding requirements were satisfied as circumstances constituting a *prima facie* unusual administrative delay. In an application entitled to an extension under § 1.701(a)(3), however, any unusual administrative delay during the appellate proceeding would be disregarded under § 1.701(a)(4) in accordance with the "not overlapping" provision in § 1.701(b). Requests for patent term extension based upon circumstances not specifically set forth in § 1.701(a)(4)(i) as a *prima facie* unusual administrative delay must be specifically requested by petition and would be considered on a case-by-case basis. Section 1.701(a), as proposed,

would further add "subject to the provisions of this section" and delete the phrase "if the patent is not subject to a terminal disclaimer due to the issuance of another patent claiming subject matter that is not patentably distinct from that under appellate review" from paragraph (a)(3).

Section 1.701(b), as proposed, would add paragraph (c)(4) to those paragraphs summed in calculating the period of extension, and change the maximum extension from five years to ten years in accordance with H.R. 1733.

Section 1.701(c), as proposed, would provide that the period of delay is the sum of the number of days, if any, in the period of unusual delay by the Office. That is, the ordinary delay in processing and examining an application would not be included under § 1.701(c), as proposed, in determining the extension under § 1.701(b). For example, (1) where there was a failure to act on a reply under § 1.111 within six months of the date it was filed, the period of delay is the number of days in excess of six months, if any, in the period beginning on the date a reply under § 1.111 was filed and ending on the mailing date of an action in response thereto, (2) where there was a failure to act on an appeal brief under § 1.192 within six months of the date it was filed, and the application is not entitled to an extension under § 1.701(a)(3), the period of delay is the number of days in excess of six months, if any, in the period beginning on the date an appeal brief under § 1.192 was filed and ending on the mailing date of either a notification under § 1.192(d) or examiner's answer under § 1.193, and (3) where there was a failure to issue a patent within six months of the date that the issue fee was paid and all outstanding requirements were satisfied, § 1.701(a)(3), the period of delay is the number of days in excess of six months, if any, in the period beginning on the date the issue fee was paid or all outstanding requirements were satisfied, whichever is later, and the date the patent was issued.

Section 1.701(d), as proposed, would change "[t]he period of delay set forth in paragraph (c)(3)" to "[t]he period set forth in paragraph (c)," as the limitation on patent term extension in H.R. 1733 based upon an applicant's failure to engage in reasonable efforts to conclude processing or examination of the application is not limited to extension under 35 U.S.C. 154(b)(2), i.e., delays during appellate proceedings. Section 1.701(d), as proposed, would further delete "any time during the period of appellate review that occurred before three years from the filing date of the first national application for a patent

presented for examination." Public Law 103-465 provides that extensions under 35 U.S.C. 154(b)(2) shall be reduced by any time during the period of appellate review that occurred before three years from the filing date of the first national application for patent presented for examination, where H.R. 1733 provides only that no patent shall be extended under 35 U.S.C. 154(b) that has issued before the expiration of three years after the filing date of the application or entry of the application into the national stage under 35 U.S.C. 371, whichever is later, not taking into account any claim to the benefit of the filing date of any application under 35 U.S.C. 120, 121, or 365(c).

Section 1.701(d), as proposed, would further change "any time during the period of appellate review, as determined by the Commissioner, during which the applicant for patent did not act with due diligence" and "[i]n determining the due diligence of an applicant, the Commissioner may examine the facts and circumstances of the applicant's actions during the period of appellate review to determine whether the applicant exhibited that degree of timeliness as may reasonably be expected from, and which is ordinarily exercised by, a person during a period of appellate review" to "any time during the processing or examination of the application, as determined by the Commissioner, during which the applicant for patent failed to engage in reasonable efforts to conclude processing or examination of the application," "[i]n determining whether an applicant failed to engage in reasonable efforts to conclude processing or examination of the application, the Commissioner may examine the facts and circumstances of the applicant's actions during the entire prosecution of the application to determine whether the applicant exhibited that degree of timeliness as may reasonably be expected from, and which is ordinarily exercised by, an applicant for patent seeking to conclude the processing or examination of the application," and "[c]ircumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application include: (1) requesting suspension of action under § 1.103, and (2) abandonment of the application."

H.R. 1733 provides that the period of extension under 35 U.S.C. 154(b) shall be reduced by a period equal to the time during the processing or examination of the application leading to the patent in which the applicant failed to engage in reasonable efforts to conclude processing or examination of the

application and that the Commissioner shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. Section § 1.701(d) specifically sets forth requesting suspension of action under § 1.103 and abandonment of the application as examples of *prima facie* failures to engage in reasonable efforts to conclude processing or examination of the application. In determining whether an applicant engaged in reasonable efforts to conclude processing or examination of the application, however, the facts and circumstances of applicant's actions during the entire prosecution of the application will be considered on a case-by-case basis to determine whether the applicant exhibited that degree of timeliness as may reasonably be expected from, and which is ordinarily exercised by, an applicant for patent seeking to conclude the processing or examination of the application. As such, it is not possible to list all of the specific circumstances in § 1.701(d). That is, circumstances other than the examples specifically set forth § 1.701(d) may, on a case-by-case basis, be considered the failure to engage in reasonable efforts to conclude the processing or examination of the application.

A new § 1.701(e), as proposed, would provide that no patent shall be extended under this section: (1) beyond the expiration date specified in a terminal disclaimer in a patent whose term has been disclaimed in such terminal disclaimer, or (2) an instance in which the patent issued before the expiration of three years after the filing date of the application or entry of the application into the national stage under 35 U.S.C. 371, whichever is later, not taking into account any claim to the benefit of the filing date of any application under 35 U.S.C. 120, 121, or 365(c). H.R. 1733 provides these limitations on extensions under 35 U.S.C. 154(b).

A new § 1.701(f), as proposed, would provide that any extension of patent term under § 1.701(a)(4) on the basis of an administrative delay other than one specifically set forth in §§ 1.701(a)(4)(i)(A)-(C) must be requested by petition. Due to the necessity for individualized determinations of patent term extensions based upon prosecution delay due to an unusual administrative delay by the Office not specifically provided for, such extensions of patent term under § 1.701(a)(4) must be specifically requested by petition in a timely manner. Section 1.701(f), as proposed, would specifically provide

that any petition for patent term extension based upon § 1.701(a)(4) for an unusual administrative delay by the Office other than one specifically set forth in §§ 1.701(a)(4)(i)(A)-(C) cannot be filed prior to the mailing of a notice of allowance under § 1.311 and must be accompanied by a statement of the facts involved, the administrative delay by the Office to be reviewed, the period of extension requested, and the fee set forth in § 1.17(i). The petition may include a request that the petition fee be refunded if an extension of the patent term under § 1.701(a)(4) is granted.

Section 1.808(a), as proposed, would provide that upon the publishing of the application, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed, subject to provisions of § 1.808(b).

Section 3.31, as proposed, would provide that the assignment cover sheet may, but need not, include an indication that the assignment information is to be printed on the Patent Application Notice. Section 3.31, as proposed, would further provide that, due to constraints in the publication process, any such indication not submitted within two months of filing or fourteen months from the earliest filing date for which a benefit is claimed, whichever is later, may result in the assignment information not being printed on the Patent Application Notice.

Section 5.1, as proposed, would include a new paragraph (c) which would provide defense agencies adequate time to complete national security review under 35 U.S.C. 181 before an application would be released for publication under § 1.306. Specifically, the period for completion of a defense agency review would be six (6) months from the actual U.S. filing date for applications filed under 35 U.S.C. 111(a) or three (3) months from the date the application was made available to the defense agency for review, whichever is later.

Section 5.1, as proposed, would further include a new paragraph (d) which would set forth the current practice that applications on inventions not made in the United States and on inventions in which the Federal Government has a known property interest are not made available to defense agencies under § 5.2(b).

A new § 5.9, as proposed, would set forth the procedures for the treatment of national security classified applications. The procedures set forth in this section, except for those pertaining to the publication of applications pursuant to § 1.306, are the current procedures for

the treatment of national security classified applications. It is, however, considered appropriate to implement these procedures through the rulemaking process.

35 U.S.C. 181 authorizes the withholding of the grant of a patent on an application that has been placed under a secrecy order; however, title 35, United States Code, does not specifically authorize the withholding of the grant of a patent on an application that is national security classified, but not placed under a secrecy order. Nevertheless, the Office is prohibited by Executive Order and statute from disclosing a national security classified application. Therefore, procedures for obtaining a secrecy order pursuant to 35 U.S.C. 181 on a national security classified application, or the declassification of such application, are necessary.

Section 5.9(a), as proposed, would provide that patent applications and papers that are national security classified and contain authorized national security markings of "Confidential," "Secret" or "Top Secret" are accepted by the Office, that national security classified documents mailed to the Office must be addressed in compliance with § 5.33, and that national security classified documents may be hand-carried to Licensing and Review.

Section 5.9(b), as proposed, would provide that a national security classified patent application will not be published pursuant to § 1.306 or allowed pursuant to § 1.311 of this chapter until the application is declassified.

Section 5.9(c), as proposed, would clarify that, in a national security classified application, it is the applicant's responsibility to either obtain a secrecy order pursuant to § 5.2, or have the application declassified by the relevant department or agency. Section 5.9(c), as proposed, would further provide that in a national security classified patent application filed without a notification pursuant to § 5.2(a), *i.e.*, a recommendation for imposition of a secrecy order from the relevant department or agency, the Office will set a time period within which the application must be declassified, a secrecy order must be obtained, or evidence of a good faith effort to obtain a secrecy from the relevant department or agency must be presented in order to prevent abandonment of the application.

Section 5.9(d), as proposed, would provide for instances in which, after an effort to obtain a secrecy order, the national security classified application

has not been declassified and a secrecy order has not been obtained. Section 5.9(d), as proposed, would specifically provide that in each instance in which the national security classified application has not been declassified and a secrecy order has not been obtained, but the applicant has presented evidence of a good faith effort to obtain a secrecy order, the Office will again set a time period within which the application must be declassified, a secrecy order pursuant to § 5.2 must be obtained, or evidence of a good faith effort to again obtain a secrecy order pursuant to § 5.2 from the relevant department or agency must be presented in order to prevent abandonment of the application. This process will reiterate until the application becomes abandoned, *e.g.*, through a lack of a good faith effort to obtain a secrecy order or failure to prosecute under 35 U.S.C. 133, the application is declassified, or a secrecy order is obtained.

#### Other Considerations

The proposed rule changes are in conformity with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Order 12612, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* It has been determined that this rulemaking is significant for the purposes of Executive Order 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that these proposed rule changes will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of these proposed changes is to require that application papers be filed in a format which permits their digital image and OCR scanning into an electronic data base, and that claims for the benefit of the filing date of prior foreign and domestic applications be submitted promptly to permit publication of the application at 18 months from the earliest filing date for which a benefit is sought.

The Office has also determined that this notice has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612.

These proposed rule changes contain a collection of information requirements subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The initial patent application filing is

currently approved by the Office of Management and Budget under Control No. 0651-0032. Public reporting burden for the collection of information for filing the initial patent application is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The Fee Transmittal form, Utility Patent Application Transmittal form, Design Patent Application Transmittal form, Plant Patent Application Transmittal form, Plant Color Coding Sheet, Declaration form, and Plant Patent Application Declaration form will reduce the burden and uncertainty associated with the submission of an application and related information, and enhance the Office's ability to use standardized automation routines (optical character recognition, etc.) to record and process information concerning applications. Public reporting burden for these collections of information is estimated to average: (1) 12 minutes per response for the Fee Transmittal form, (2) 12 minutes per response for the Utility Patent Application Transmittal form, (3) 12 minutes per response for the Design Patent Application Transmittal form, (4) 12 minutes per response for the Plant Patent Application Transmittal form, (5) 12 minutes per response for the Plant Color Coding Sheet, (6) 24 minutes per response for the Declaration form, and (7) 24 minutes per response for the Plant Patent Application Declaration. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

The assignment cover sheet is currently approved by the Office of Management and Budget under Control No. 0651-0027. Public reporting burden for the collection of information on the assignment cover sheet is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Assistance Quality and Enhancement Division, Patent and Trademark Office, Washington, D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of

Management and Budget, Washington, DC 20503 (ATTN: Paperwork Reduction Act Projects 0651-0027 and 0651-0032). The Fee Transmittal form, Utility Patent Application Transmittal form, Design Patent Application Transmittal form, Plant Patent Application Transmittal form, Plant Color Coding Sheet, Declaration form, and Plant Patent Application Declaration form have been submitted to the Office of Management and Budget for clearance under the Paperwork Reduction Act. See 60 FR 35174 (July 6, 1995). Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, room 10236, New Executive Office Building, Washington, D.C. 20230.

Notice is hereby given that pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, the Patent and Trademark Office proposes to amend Title 37, Chapter I, of the Code of Federal Regulations as set forth below.

#### List of Subjects

##### 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small Businesses.

##### 37 CFR Part 3

Administrative practice and procedure, Inventions and patents, Reporting and record keeping requirements.

##### 37 CFR Part 5

Classified information, foreign relations, inventions and patents.

For the reasons set forth in the preamble, 37 CFR parts 1, 3 and 5 are proposed to be amended as follows, with removals indicated by brackets ([ ]) and additions by arrows (> <):

#### PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 would continue to read as follows:

**Authority:** 35 U.S.C. 6, unless otherwise noted.

2. Section 1.4 is proposed to be amended by revising paragraph (a)(1) to read as follows:

##### §1.4 Nature of correspondence and signature requirements.

(a) Correspondence with the Patent and Trademark Office comprises:

(1) Correspondence relating to services and facilities of the Office, such

as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents >, patent application notices, technical contents publications < or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like; and

\* \* \* \* \*

3. Section 1.5 is proposed to be amended by revising paragraph (a) and adding paragraphs (f) and (g) to read as follows:

##### §1.5 Identification of application, patent or registration.

(a) No correspondence relating to an application should be filed prior to when notification of the application number is received from the Patent and Trademark Office. When a letter directed to the Patent and Trademark Office concerns a previously filed application for a patent, >including a published application, < it must identify on the top page in a conspicuous location, the application number (consisting of the series code and the serial number; e.g., 07/123,456), or the serial number and filing date assigned to that application by the Patent and Trademark Office, or the international application number of the international application. Any correspondence not containing such identification will be returned to the sender where a return address is available. The returned correspondence will be accompanied with a cover letter which will indicate to the sender that if the returned correspondence is resubmitted to the Patent and Trademark Office within two weeks of the mail date on the cover letter, the original date of receipt of the correspondence will be considered by the Patent and Trademark Office as the date of receipt of the correspondence. Applicants may use either the Certificate of Mailing or Transmission procedure under § 1.8 or the Express Mail procedure under § 1.10 for resubmissions of returned correspondence if they desire to have the benefit of the date of deposit in the United States Postal Service. If the returned correspondence is not resubmitted within the two-week period, the date of receipt of the resubmission will be considered to be the date of receipt of the correspondence. The two-week period to resubmit the returned correspondence will not be extended. If for some reason, returned correspondence is resubmitted with proper identification later than two weeks after the return mailing by the Patent and Trademark Office, the resubmitted correspondence will be

accepted but given its date of receipt. In addition to the application number, all letters directed to the Patent and Trademark Office concerning applications for patents should also state "PATENT APPLICATION," the name of the applicant, the title of the invention, the date of filing the same, and, if known, the group art unit or other unit within the Patent and Trademark Office responsible for considering the letter and the name of the examiner or other person to which it has been assigned.

\* \* \* \* \*

(f) When a paper concerns a provisional application, it should identify the application as such and include the application number.

(g) A paper relating to a patent application notice should identify it as such and include the patent application notice number.

4. Section 1.9 is proposed to be amended by revising paragraphs (a) and (b) and adding a paragraph (h) to read as follows:

#### **§ 1.9 Definitions.**

(a)(1) A national application as used in this chapter means a U.S. national application for patent which was either filed in the Office under 35 U.S.C. 111, or which entered the national stage from an international application after compliance with 35 U.S.C. 371.

(2) A provisional application as used in this chapter means a U.S. national application for patent filed in the Office under 35 U.S.C. 111(b).

(3) A nonprovisional application as used in this chapter means a U.S. national application for patent which was either filed in the Office under 35 U.S.C. 111(a), or which entered the national stage from an international application after compliance with 35 U.S.C. 371.

(4)(b) An international application as used in this chapter means an international application for patent filed under the Patent Cooperation Treaty prior to entering national processing at the Designated Office stage.

(b) A published application as used in this chapter means an application for patent which has been published pursuant to 35 U.S.C. 122(b).

\* \* \* \* \*

(h) National security classified as used in this chapter means specifically authorized under criteria established by Act of Congress or Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to Act of Congress or Executive order.

5. Section 1.11 is proposed to be amended by revising paragraph (a) to read as follows:

#### **§ 1.11 Files open to the public.**

(a) [After a patent has been issued or a statutory invention registration has been published, the] The specification, drawings, and all papers relating to the case in the file of an abandoned published application, a [the] patent, or a statutory invention registration are open to inspection by the public, and copies may be obtained upon paying the fee therefor. A copy of the specification, drawings, and all papers relating to the case in the file of a published application, a patent, or statutory invention registration may be obtained upon the payment of the fee set forth in § 1.19(b)(2). See § 2.27 for trademark files.

\* \* \* \* \*

6. Section 1.12 is proposed to be amended by revising paragraphs (a)–(c) to read as follows:

#### **§ 1.12 Assignment records open to public inspection.**

(a)(1) Separate assignment records are maintained in the Patent and Trademark Office for patents and trademarks. The assignment records, relating to original or reissue patents, including digests and indexes, for assignments recorded on or after May 1, 1957, published applications, and assignment records relating to pending or abandoned trademark applications and to trademark registrations, for assignments recorded on or after January 1, 1955, are open to public inspection at the Patent and Trademark Office, and copies of those assignment records may be obtained upon request and payment of the fee set forth in § 1.19 and § 2.6 of this chapter.

(2) All records of assignments of patents recorded before May 1, 1957, and all records of trademark assignments recorded before January 1, 1955, are maintained by the National Archives and Records Administration (NARA). The records are open to public inspection. Certified and uncertified copies of those assignment records are provided by NARA upon request and payment of the fees required by NARA.

(b) Assignment records, digests, and indexes relating to any pending or abandoned application which has not been published pursuant to 35 U.S.C. 122(b) are not available to the public. Copies of any such assignment records and information with respect thereto shall be obtainable only upon written authority of the applicant or applicant's assignee or attorney or agent or upon a

showing that the person seeking such information is a bona fide prospective or actual purchaser, mortgagee, or licensee of such application, unless it shall be necessary to the proper conduct of business before the Office or as provided by these rules.

(c) Any request by a member of the public seeking copies of any assignment records of any pending or abandoned patent application preserved in confidence [secrecy] under § 1.14, or any information with respect thereto, must:

(1) Be in the form of a petition accompanied by the petition fee set forth in § 1.17(i); or

(2) Include written authority granting access to the member of the public to the particular assignment records from the applicant or applicant's assignee or attorney or agent of record.

\* \* \* \* \*

7. Section 1.13 is proposed to be revised to read as follows:

#### **§ 1.13 Copies and certified copies.**

(a) Non-certified copies of patents, patent application notices, technical contents publications, file wrapper and contents of published applications, and trademark registrations and of any records, books, papers, or drawings within the jurisdiction of the Patent and Trademark Office and open to the public, will be furnished by the Patent and Trademark Office to any person, and copies of other records or papers will be furnished to persons entitled thereto, upon payment of the fee therefor.

(b) Certified copies of the patents, patent application notices, technical contents publications, file wrapper and contents of published applications, and trademark registrations and of any records, books, papers, or drawings within the jurisdiction of the Patent and Trademark Office and open to the public or persons entitled thereto will be authenticated by the seal of the Patent and Trademark Office and certified by the Commissioner, or in his name attested by an officer of the Patent and Trademark Office authorized by the Commissioner, upon payment of the fee for the certified copy.

8. Section 1.14 is proposed to be amended by revising the section heading, paragraphs (a)–(b) and (e) to read as follows:

#### **§ 1.14 Patent applications preserved in confidence [secrecy].**

(a) Except as provided in § 1.11(b), pending patent applications which have not been published pursuant to 35 U.S.C. 122(b) are preserved in confidence. [secrecy.] No information

will be given by the Office respecting the filing by any particular person of an application for a patent, the pendency of any particular case before it, or the subject matter of any particular application, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority in that particular application from the applicant or his assignee or attorney or agent of record, unless the application has been identified by >application number or< serial number >and filing date< in a published patent document >, a U.S. published application,< or >a published international application in which< the United States of America has been indicated as a Designated State [in a published international application], in which case status information such as whether it is pending, abandoned, or patented may be supplied, >or unless the application claims the benefit of the filing date of an application that has been referred to in a U.S. published application or patent, or identified by application number or serial number and filing date in a published patent document or a published international application in which the United States of America has been indicated as a Designated State, in which case the application number, filing date, and status information such as whether it is pending, abandoned, or patented may be supplied,< or unless it shall be necessary to the proper conduct of business before the Office or as provided by this part. Where an application has been patented, the patent number and issue date may also be supplied.

(b) [Except as provided in § 1.11(b), abandoned] >Abandoned< applications >which have not been published pursuant to 35 U.S.C. 122(b)< are likewise not open to public inspection, except >as provided in § 1.11(b) and as set forth below.< [that if] >If< an application referred to in a U.S. >published application or< patent, >application open to public inspection pursuant to this section, application which claims the benefit of the filing date of an application open to public inspection pursuant to this section,< or in an application in which the applicant has filed an authorization to open the complete application to the public, is abandoned and is available, it may be inspected or copies obtained by any person on written request, without notice to the applicant. Complete applications (§ 1.51(a)) which are abandoned >and have not been published pursuant to 35 U.S.C. 122(b)< may be destroyed after 20 years from

their filing date, except those to which particular attention has been called and which have been marked for preservation. Abandoned applications will not be returned.

\* \* \* \* \*

(e) Any request by a member of the public seeking access to, or copies of, any pending or abandoned application preserved in >confidence< [secrecy] pursuant to paragraphs (a) and (b) of this section, or any papers relating thereto, must:

(1) Be in the form of a petition and be accompanied by the petition fee set forth in § 1.17(i); or

(2) Include written authority granting access to the member of the public in that particular application from the applicant or the applicant's assignee or attorney or agent of record.

\* \* \* \* \*

9. Section 1.16 is proposed to be amended by revising paragraphs (a) and (g)–(h) to read as follows:

#### **§ 1.16 National application filing fees.**

(a) Basic fee for filing each application for an original patent, except provisional, design or plant cases:

By a small entity (§ 1.9(f)).....>\$390.00< [365.00]

By other than a small entity .....>780.00< [730.00]

\* \* \* \* \*

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f)) ...>270.00< [245.00]

By other than a small entity .....>540.00< [490.00]

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f)) ...>390.00< [365.00]

By other than a small entity .....>780.00< [730.00]

\* \* \* \* \*

10. Section 1.17 is proposed to be amended by revising paragraph (i) and adding new paragraphs (t) and (u) to read as follows:

#### **§ 1.17 Patent application processing fees.**

\* \* \* \* \*

(i) For filing a petition to the Commissioner under a section listed below which refers to this paragraph .....130.00

§ 1.12—for access to an assignment record.

§ 1.14—for access to an application.

§ 1.53—to accord a filing date.

§ 1.55—for entry of late priority papers.

§ 1.60—to accord a filing date.

§ 1.62—to accord a filing date.

§ 1.97(d)—to consider an information

disclosure statement.

§ 1.102—to make application special

§ 1.103—to suspend action in application.

§ 1.177—for divisional reissues to issue separately.

§ 1.312—for amendment after payment of issue fee.

§ 1.313—to withdraw an application from issue.

>§ 1.306(d)—for early publication of an application.

§ 1.306(e)—to defer publication of an application.<

§ 1.314—to defer issuance of a patent.

§ 1.666(b)—for access to interference settlement agreement.

>§ 1.701(f)—for patent term extension based upon administrative delay not specifically provided for.<

§ 3.81—for patent to issue to assignee, assignment submitted after payment of the issue fee.

\* \* \* \* \*

>(t) For filing a protest under § 1.291 in an application after the date the application was published .....220.00

(u) For the acceptance of a late claim for priority under 35 U.S.C. 119(a)-(d) or for acceptance of a late claim for the benefit of a prior application under 35 U.S.C. 119(e), 120 or 121 filed during the pendency of the application .....1500.00<

11. Section 1.18 is proposed to be amended by revising paragraphs (a) and (c) to read as follows:

#### **§ 1.18 Patent issue fees.**

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.9(f)).....>\$640.00< [605.00]

By other than a small entity .....>1280.00< [1210.00]

\* \* \* \* \*

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.9(f)) ...>330.00< [305.00]

By other than a small entity .....>660.00< [610.00]

12. Section 1.19 is proposed to be amended by revising paragraphs (a)-(d) to read as follows:

#### **§ 1.19 Document supply fees.**

\* \* \* \* \*

(a) Uncertified copies of patents >, patent application notices, and technical contents publications<:

(1) Printed copy of a >patent application notice,< patent, including a design patent, statutory invention registration, or defensive publication document, except plant or statutory invention registration containing color drawing:

(i) Regular service .....\$3.00

(ii) Overnight delivery to PTO Box or

- overnight fax .....6.00
- (iii) Expedited service for copy ordered by expedited mail or fax delivery service and delivered to the customer within two workdays .....25.00
- (2) Printed copy of a plant patent in color .....12.00
- (3) Copy of a utility patent or statutory invention registration containing color drawing (see § 1.84(a)(2)) .....24.00
- >(4) Copy of a technical contents publication .....9.00<
- (b) Certified and uncertified copies of Office documents:
- (1) Certified or uncertified copy of patent application as filed:
- (i) Regular service .....>15.00< [12.00]
- (ii) Expedited local service .....>30.00< [24.00]
- (2) Certified or uncertified copy of >published application or< patent-related file wrapper and contents .....150.00
- (3) Certified or uncertified copy of Office records, per document >,< except >those contained in a pending application and< as otherwise provided in this section .....25.00
- >(4) Certified or uncertified copy of documents contained in a pending application:
- (i) First document contained in a pending application .....75.00
- (ii) For each commonly requested additional document contained in such pending application .....25.00
- (5)< [(4)] For assignment records, abstract of title and certification, per >published application or< patent .....25.00
- (c) Library service (35 U.S.C. 13): For providing to libraries copies of all patents issued annually >and technical contents publications published annually<, per annum .....50.00
- (d) For list of all United States >published applications,< patents and statutory invention registrations in a subclass .....3.00

\* \* \* \* \*

13. Section 1.20 is proposed to be amended by revising paragraphs (e)-(g) to read as follows:

#### § 1.20 Post-issuance fees.

\* \* \* \* \*

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant

By small entity (§ 1.9(f)) .....>510.00< [480.00]  
By other than a small entity .....>1020.00< [960.00]

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on

or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant

By a small entity (§ 1.9(f)) .....>1010.00< [965.00]

By other than a small entity .....>2020.00< [1930.00]

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant

By a small entity (§ 1.9(f)) .....>1510.00< [1450.00]

By other than a small entity .....>3020.00< [2900.00]

\* \* \* \* \*

14. Section 1.24 is proposed to be revised to read as follows:

#### § 1.24 Coupons.

Coupons in denominations of three dollars, for the purchase of patents, >patent application notices and technical contents publications,< designs, defensive publications, statutory invention registrations, and trademark registrations are sold by the Patent and Trademark Office for the convenience of the general public; these coupons may not be used for any other purpose. The three-dollar coupons are sold individually and in books of 50 for \$150.00. These coupons are good until used; they may be transferred but cannot be redeemed.

15. Section 1.51 is proposed to be amended by revising paragraph (a)(1) to read as follows:

#### § 1.51 General requisites of an application.

(a) \* \* \*

(1) A complete application filed under § 1.53(b)(1) comprises:

(i) A specification, including >an abstract and< a claim or claims, see §§ 1.71 to 1.77;

(ii) An oath or declaration, see §§ 1.63 and 1.68;

(iii) Drawings, when necessary, see §§ 1.81 to 1.85; and

(iv) The prescribed filing fee, see § 1.16.

\* \* \* \* \*

16. Section 1.52 is proposed to be amended by revising paragraphs (a)-(b) and (d) to read as follows:

#### § 1.52 Language, paper, writing, margins.

(a) The application, any amendments or corrections thereto, and the oath or declaration must be in the English language except as provided for in § 1.69 and paragraph (d) of this section, or be accompanied by a verified

translation of the application and a translation of any corrections or amendments into the English language. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly [written,] typed [, or printed] in permanent >dark< ink >in portrait orientation on flexible, strong, smooth, non-shiny, durable and white paper.< [or its equivalent in quality.]

All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the [writing,] typing [, or printing] thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes >and electronic reproduction by use of digital imaging and optical character recognition<. If the papers are not of the required quality, substitute typewritten [or printed] papers of suitable quality >will< [may] be required. >See § 1.125 for filing substitute typewritten papers constituting a substitute specification.<

(b) >Except for drawings, the< [The] application papers (specification, including claims, abstract, oath or declaration, and papers as provided for in §§ 1.42, 1.43, 1.47, etc.) and also papers subsequently filed, must be plainly >typed< [written] on but one side of the paper >, with the abstract and claims set forth on a separate sheet. See §§ 1.72(b) and 1.75(h)<. The [size of all] sheets of paper >must be the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches).< [should be 8 to 8½ by 10½ to 13 inches (20.3 to 21.6 cm. by 26.6 to 33.0 cm.).] >Each sheet must include a top margin of at least 2.0 cm. (¾ inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. (¾ inch), and a bottom margin of at least 2.0 cm. (¾ inch), and no holes should be provided in the sheets.< [A margin of at least approximately one inch (2.5 cm.) must be reserved on the left-hand of each page. The top of each page of the application, including claims, must have a margin of at least approximately ¾ inch (2 cm.).] The lines must [not be crowded too closely together; typewritten lines should] be 1½ or double spaced. The pages of the application including claims and abstract >must< [should] be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below, the text. >See § 1.84 for drawings.<

\* \* \* \* \*

(d) An application may be filed in a language other than English. A verified



English translation of the non-English-language application and the fee set forth in § 1.17(k) are required to be filed with the application or within such time >period< as may be set by the Office. >The period for filing the verified English translation cannot be extended pursuant to § 1.136(a).<

17. Section 1.53 is proposed to be amended by revising the section heading and paragraph (d)(1) to read as follows:

**§ 1.53 Serial Number, filing date, and completion of application.**

\* \* \* \* \*

(d)(1) If an application which has been accorded a filing date pursuant to paragraph (b)(1) of this section does not include the appropriate filing fee >,< [or] an oath or declaration by the applicant, >an abstract on a separate sheet, claims on a separate sheet, papers typed on but one side of the paper, or application papers or sheets of drawings of sufficient clarity, contrast, and quality, and in the proper size and format for electronic reproduction,< applicant will be so notified, if a correspondence address has been provided >. The applicant will be< [and] given a period of time within which to >correct the deficiencies< [file the fee, oath or declaration] and to pay the surcharge as set forth in § 1.16(e) >if the application did not include the basic filing fee or the oath or declaration by the applicant< in order to prevent abandonment of the application. A copy of the "Notice to File Missing Parts" form mailed to applicant should accompany any response thereto submitted to the Office. If the required filing fee is not timely paid, or if the processing and retention fee set forth in § 1.21(l) is not paid within one year of the date of mailing of the notification required by this paragraph, the application will be disposed of. No copies will be provided or certified by the Office of an application which has been disposed of or in which neither the required basic filing fee nor the processing and retention fee has been paid. The notification pursuant to this paragraph may be made simultaneously with any notification pursuant to paragraph (c) of this section. If no correspondence address is included in the application, applicant has two months from the filing date to file the basic filing fee, oath or declaration >, abstract or claims on a separate sheet, papers typed on but one side of the paper, papers and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction,< and to pay the surcharge as set forth in § 1.16(e) >if the

application did not include the basic filing fee or the oath or declaration by the applicant< in order to prevent abandonment of the application; or, if no basic filing fee has been paid, one year from the filing date to pay the processing and retention fee set forth in § 1.21(l) to prevent disposal of the application. >The period for filing an abstract and claims on a separate sheet, and a substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction cannot be extended pursuant to § 1.136(a).<

\* \* \* \* \*

18. Section 1.54 is proposed to be amended by revising paragraph (b) to read as follows:

**§ 1.54 Parts of application to be filed together; filing receipt.**

\* \* \* \* \*

(b) Applicant will be informed of the application [serial] number >,< [and] filing date >, and projected publication date< by a filing receipt.

19. Section 1.55 is proposed to be amended by revising paragraph (a) and adding paragraphs (c)–(d) to read as follows:

**§ 1.55 Claim for foreign priority.**

(a) An applicant in a nonprovisional application may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119 (a)–(d) and 172. The claim to priority >under 35 U.S.C. 172< need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. >The claim to priority under 35 U.S.C. 119(a)–(d) must be presented within two months of filing or fourteen months from the filing date of the prior foreign application, whichever is later, must identify the prior foreign application by specifying its application number, country, and the day, month and year of its filing, and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63.< The [claim for priority and the] certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other cases, before the patent is granted. If the [claim for priority or the] certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting

entry and by the fee set forth in § 1.17(i). If the certified copy filed is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate. The statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office.

\* \* \* \* \*

>(c) If a claim to priority under 35 U.S.C. 119(a)–(d) is presented after the time period provided by paragraph (a) of this section, the claim may be accepted if the claim identifying the prior foreign application by specifying its application number, country, and the day, month and year of its filing is filed during the pendency of the application and the delay in stating the claim was unintentional. A petition to accept a delayed claim to priority under 35 U.S.C. 119(a)–(d) must be accompanied by:

(1) The surcharge set forth in § 1.17(u); and

(2) A statement that the delay was unintentional. The statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the delay was unintentional.

(d) The time periods set forth in this section cannot be extended.<

20. Section 1.58 is proposed to be amended by removing and reserving paragraph (b) and revising paragraph (c) to read as follows:

**§ 1.58 Chemical and mathematical formulas and tables.**

\* \* \* \* \*

(b) >[Reserved]< [All tables and chemical and mathematical formulas in the specification, including claims, and amendments thereto, must be on paper which is flexible, strong, white, smooth, non-shiny, durable in order to permit use as camera copy when printing any patent which may issue. A good grade of bond paper is acceptable; watermarks should not be prominent. India ink or its equivalent, or solid black typewriter, should be used to secure perfectly black solid lines.]

(c) To facilitate camera copying when printing, the width of formulas and tables as presented should be limited normally to >12.7 cm. (5 inches)< [5 inches (12.7 cm.)] so that it may appear as a single column in the printed patent.

[If it is not possible to limit the width of a formula or table to 5 inches (12.7 cm.), it is permissible to present the formula or table with a maximum width of 10¾ inches (27.3 cm.) and to place it sideways on the sheet.] Typewritten characters used in such formulas and tables must be from a block (nonscript) type font or lettering style having capital letters which are at least >2.1 mm. (0.08 inch)< [0.08 inch (2.1 mm.)] high (e.g., elite type). [Hand lettering must be neat, clean, and have a minimum character height of 0.08 inch (2.1 mm.)]. A space at least >.64 cm. (¼ inch)< [¼ inch (6.4 mm.)] high should be provided between complex formulas and tables and the text. Tables should have the lines and columns of data closely spaced to conserve space, consistent with high degree of legibility.

21. Section 1.60 is proposed to be amended by revising the section heading and paragraph (d) to read as follows:

**§ 1.60 Continuation or divisional application for invention disclosed in a prior application.**

\* \* \* \* \*

(d) If an application filed pursuant to paragraph (b) of this section is otherwise complete, but does not include the appropriate filing fee, a true copy of the oath or declaration from the prior complete application, showing the signature or an indication it was signed, >or the prior application did not include an abstract and claims on a separate sheet, and application papers typed on but one side of the paper with application papers or sheets of drawings of sufficient clarity, contrast, or quality in the proper size and format for electronic reproduction,< a filing date will be granted and applicant will be so notified and given a period of time within which to file the fee, or the true copy of the oath or declaration >, an abstract and claims on a separate sheet, substitute specification in compliance with § 1.125 with papers typed on but one side of the paper and sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction,< and to pay the surcharge as set forth in § 1.16(e) >if the application did not include the basic filing fee or the copy of the oath or declaration from the prior application< in order to prevent abandonment of the application. The notification pursuant to this paragraph may be made simultaneously with any notification pursuant to paragraph (c) of this section. >The period for filing an abstract and claims on a separate sheet and a

substitute specification and sheets of drawings of sufficient clarity, contrast, and quality for electronic reproduction cannot be extended pursuant to § 1.136(a).<

22. Section 1.62 is proposed to be amended by revising paragraphs (d)–(f) to read as follows:

**§ 1.62 File wrapper continuing procedure.**

\* \* \* \* \*

(d) If an application which has been accorded a filing date pursuant to paragraph (a) of this section does not include the appropriate basic filing fee pursuant to paragraph (b) of this section, or an oath or declaration by the applicant in the case of a continuation-in-part application pursuant to paragraph (c) of this section, >or any substitute specification and drawings pursuant to paragraph (e)(2) of this section,< applicant will be so notified and given a period of time within which to file the fee, oath [,] or declaration >, substitute specification, and drawings< and to pay the surcharge as set forth in § 1.16(e) >if the application did not include the basic filing fee or oath or declaration< in order to prevent abandonment of the application. The notification pursuant to this paragraph may be made simultaneously with any notification of a defect pursuant to paragraph (a) of this section. >The period for filing a substitute specification cannot be extended pursuant to § 1.136(a).<

(e)>(1)< An application filed under this section will utilize the file wrapper and contents of the prior application to constitute the new continuation, continuation-in-part, or divisional application but will be assigned a new application [serial] number. Changes to the prior application must be made in the form of an amendment to the prior application as it exists at the time of filing the application under this section.

>(2)< No copy of the prior [application or new] specification >or drawings< is required >, unless the application is a continuation-in-part application containing any additional disclosure, in which case a substitute specification in compliance with § 1.125 and drawings are required. Any new specification filed will not be considered part of the original application papers, but will be treated as a substitute specification in accordance with § 1.125<. [The filing of such a copy or specification will be considered improper, and a filing date as of the date of deposit of the request for an application under this section will not be granted to the application unless a petition with the fee set forth

in § 1.17(i) is filed with instructions to cancel the copy or specification.]

(f) The filing of an application under this section will be construed to include a waiver of >confidence< [secrecy] by the applicant under 35 U.S.C. 122>(a)< to the extent that any member of the public who is entitled under the provisions of >§ < [37 CFR] 1.14 to access to, or information concerning either the prior application or any continuing application filed under the provisions of this section may be given similar access to, or similar information concerning, the other application(s) in the file wrapper.

\* \* \* \* \*

23. Section 1.72 is proposed to be amended by revising paragraph (b) to read as follows:

**§ 1.72 Title and abstract.**

\* \* \* \* \*

(b) A brief abstract of the technical disclosure in the specification must be set forth on a separate sheet, preferably >prior to the first page of the specification< [following the claims] under the heading “Abstract of the Disclosure”. The purpose of the abstract is to enable the Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract shall not be used for interpreting the scope of the claims.

24. Section 1.75 is proposed to be amended by revising paragraph (g) and adding paragraphs (h) and (i) to read as follows:

**§ 1.75 Claim(s).**

\* \* \* \* \*

(g) >The least restrictive claim should be presented as claim number 1, and all< [All] dependent claims should be grouped together with the claim or claims to which they refer to the extent possible.

>(h) The claim or claims must be set forth on a separate sheet.

(i) Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.<

25. Section 1.77 is proposed to be revised to read as follows:

**§ 1.77 Arrangement of application elements.**

>(a)< The elements of the application >, if applicable,< should appear in the following order:

[(a)] >(1) Utility Application Transmittal Form.

(2) Fee Transmittal Form.

(3) Abstract of the disclosure.

(4)< Title of the invention; or an introductory portion stating the name,

citizenship, and residence of the applicant, and the title of the invention may be used.

>(5)<[(c)(1)] Cross-reference to related applications [, if any].

>(6)< [(2)] >Statement regarding federally sponsored research or development.

(7)< Reference to a "Microfiche appendix" [if any]. (See § 1.96 >(c)< [(b)]). The total number of microfiche and total number of frames should be specified.

>(8)< [(d)] >Background of the invention.

(9)< Brief summary of the invention.

>(10)< [(e)] Brief description of the several views of the drawing [, if there are drawings].

>(11)< [(f)] Detailed description.

>(12)< [(g)] Claim or claims.

>(13)< [(h)] Abstract of the disclosure.

(i) Signed oath or declaration.

(j) Drawings.

>(14) Executed oath or declaration.

(15) Sequence Listing (See § 1.821 *et seq.*).

(b) The elements set forth in paragraphs (a)(3) through (a)(6), (a)(8) through (a)(12) and (a)(15) of this section should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, with the phrase "Not Applicable" should follow the section heading.<

26. Section 1.78 is proposed to be amended by revising paragraphs (a) and (c)–(d) to read as follows:

**§ 1.78 Claiming benefit of earlier filing date and cross references to other applications.**

(a)(1) A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior application must be:

(i) Complete as set forth in § 1.51(a)(1); or

(ii) Entitled to a filing date as set forth in § 1.53(b)(1), § 1.60 or § 1.62 and include the basic filing fee set forth in § 1.16; or

(iii) Entitled to a filing date as set forth in § 1.53(b)(1) and have paid

therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(d)(1).

(2) Any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must >, within two months of filing or within fourteen months of the filing date of the prior application, whichever is later,< contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

(3) A nonprovisional application other than for a design patent may claim an invention disclosed in one or more prior filed copending provisional applications. [Since a provisional application can be pending for no more than twelve months, the last day of pendency may occur on a Saturday, Sunday, or Federal holiday within the District of Columbia which for copendency would require the nonprovisional application to be filed prior to the Saturday, Sunday, or Federal holiday.] In order for a nonprovisional application to claim the benefit of one or more prior filed copending provisional applications, each prior provisional application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior provisional application must be:

(i) Complete as set forth in § 1.51(a)(2); or

(ii) Entitled to a filing date as set forth in § 1.53(b)(2) and include the basic filing fee set forth in § 1.16(k).

(4) Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must >, within two months of filing or within fourteen months of the filing date of the prior application, whichever is later,< contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number

(consisting of series code and serial number).

>(5) If a claim to the benefit of any prior filed copending nonprovisional application or international application designating the United States of America is presented in a nonprovisional application after the time period provided by paragraph (a)(2) of this section, or if a claim to the benefit of any prior filed copending provisional application is presented in a nonprovisional application other than for a design patent after the time period provided by paragraph (a)(4) of this section, the claim may be accepted in the application if the claim identifying the prior application by application number or international application number and international filing date is filed during the pendency of the application and the delay in stating the claim was unintentional. A petition to accept a delayed claim to the benefit of a prior filed copending application must be accompanied by:

(i) The surcharge set forth in § 1.17(u); and

(ii) A statement that the delay was unintentional. The statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the delay was unintentional.

(6) The time periods set forth in paragraphs (a)(2), (4) and (5) of this section cannot be extended.<

\* \* \* \* \*

(c) Where >an< [two or more] application [s], >or a patent under reexamination< [or an application] and >an application or< a patent naming different inventors >are< [and] owned by the same party >and< contain conflicting claims, and there is no statement of record indicating that the claimed inventions were commonly owned or subject to an obligation of assignment to the same person at the time the later invention was made, the assignee may be called upon to state whether the claimed inventions were commonly owned or subject to an obligation of assignment to the same person at the time the later invention was made, and if not, indicate which named inventor is the prior inventor. In addition to making said statement, the assignee may also explain why an interference should or should not be declared.

(d) Where an application >or a patent under reexamination< claims an invention which is not patentably distinct from an invention claimed in a commonly owned patent with the same

or a different inventive entity, a double patenting rejection will be made in the application >or a patent under reexamination<. >A non-statutory< [An obviousness-type] double patenting rejection may be obviated by filing a terminal disclaimer in accordance with § 1.321(b).

27. Section 1.84 is proposed to be amended by revising paragraphs (c), (f)–(g), (j) and (x) to read as follows:

#### § 1.84 Standards for drawings.

\* \* \* \* \*

(c) *Identification of drawings.* Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawings a minimum distance of 1.5 cm. ( $\frac{5}{8}$  inch) down from the top of the page. >In addition, a reference to the application number, or, if an application number has not been assigned, the inventor's name, may be included in the left-hand corner, provided that the reference appears within 1.5 cm. ( $\frac{9}{16}$  inch) from the top of the sheet.<

\* \* \* \* \*

(f) *Size of paper.* All drawing sheets in an application must be the same size. One of the shorter sides of the sheet is regarded as its top. The size of the sheets on which drawings are made must be:

[(1) 21.6 cm. by 35.6 cm. ( $8\frac{1}{2}$  by 14 inches),

(2) 21.6 cm. by 33.1 cm. ( $8\frac{1}{2}$  by 13 inches),

(3) 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inches), or

(4)] >(1)< 21.0 cm. by 29.7 cm. (DIN size A4) >; or

(2) 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inches)<.

(g) *Margins.* The sheets must not contain frames around the sight; i.e., the usable surface [.], >, but should have scan target points, i.e., cross-hairs, printed on two catercorner margin corners.< [The following margins are required:

(1) On 21.6 cm. by 35.6 cm. ( $8\frac{1}{2}$  by 14 inches) drawing sheets, each sheet must include a top margin of 5.1 cm. (2 inches), and bottom and side margins of .64 cm. ( $\frac{1}{4}$  inch) from the edges, thereby leaving a sight no greater than 20.3 cm. by 29.8 cm. (8 by  $11\frac{3}{4}$  inches).

(2) On 21.6 cm. by 33.1 cm. ( $8\frac{1}{2}$  by 13 inches) drawing sheets, each sheet must include a top margin of 2.5 cm. (1 inch) and bottom and side margins of .64 cm. ( $\frac{1}{4}$  inch) from the edges, thereby

leaving a sight no greater than 20.3 cm. by 29.8 cm. (8 by  $11\frac{3}{4}$  inches).

(3) On 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inch) drawing sheets, each sheet must include a top margin of 2.5 cm. (1 inch) and bottom and side margins of .64 cm. ( $\frac{1}{4}$  inch) from the edges, thereby leaving a sight no greater than 20.3 cm. by 24.8 cm. (8 by  $9\frac{3}{4}$  inches).

(4) On 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, each >Each< sheet must include a top margin of at least 2.5 cm. >(1 inch)<, a left side margin of >at least< 2.5 cm. >(1 inch)<, a right side margin of >at least< 1.5 cm. >(5/16 inch)<, and a bottom margin of >at least< 1.0 cm. >(3/8 inch)<, thereby leaving a sight no greater than 17.0 cm. by 26.2 cm >on 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. by 24.4 cm. ( $6\frac{15}{16}$  by  $9\frac{5}{8}$  inches) on 21.6 cm. by 27.9 cm. ( $8\frac{1}{2}$  by 11 inch) drawing sheets<.

\* \* \* \* \*

(j) *View for Official Gazette.* One of the views should be suitable for publication in the Official Gazette >, the patent application notice, and the Gazette of Patent Application Notices< as the illustration of the invention.

\* \* \* \* \*

(x) *Holes.* >No holes should be provided in the drawing sheets.< [The drawing sheets may be provided with two holes in the top margin. The holes should be equally spaced from the respective side edges, and their center lines should be spaced 7.0 cm. ( $2\frac{3}{4}$  inches) apart.]

(See § 1.152 for design drawings, § 1.165 for plant drawings, and § 1.174 for reissue drawings.)

28. Section 1.85 is proposed to be amended by revising paragraph (a) to read as follows:

#### § 1.85 Corrections to drawings.

(a) The requirements of § 1.84 relating to drawings will be strictly enforced. A drawing not executed in conformity thereto, if suitable for >electronic< reproduction >by digital imaging<, may be admitted for examination but in such case a new drawing must be furnished.

\* \* \* \* \*

29. Section 1.96 is proposed to be revised to read as follows:

#### § 1.96 Submission of computer program listings.

>(a) General.< Descriptions of the operation and general content of computer program listings should appear in the description portion of the specification >.< A computer program listing for the purpose of >this section< [these rules] is defined as a printout that lists in appropriate sequence the

instructions, routines, and other contents of a program for a computer. The program listing may be either in machine or machine-independent (object or source) language which will cause a computer to perform a desired procedure or task such as solve a problem, regulate the flow of work in a computer, or control or monitor events. Computer program listings may be submitted in patent applications >as set forth in paragraphs (b) and (c) of this section.< [in the following forms:]

>(b)< [(a)] *Material which will be printed in the patent.* If the computer program listing is contained on 10 printout pages or less, it must be submitted either as drawings or as part of the specification.

(1) *Drawings.* The listing may be submitted in the manner and complying with the requirements for drawings as provided in § 1.84. At least one figure numeral is required on each sheet of drawing.

(2) *Specification.* (i) The listing may be submitted as part of the specification in accordance with the provisions of § 1.52, at the end of the description but before the claims.

(ii) >Any< [The] listing [may be] submitted as part of the specification [in the form of computer printout sheets (commonly 14 by 11 inches in size) for use as "camera ready copy" when a patent is subsequently printed. Such computer printout sheets] must be original copies from the computer with dark solid black letters not less than 0.21 cm high, on white, unshaded and unlined paper, [the printing on each sheet must be limited to an area 9 inches high by 13 inches wide,] and the sheets should be submitted in a protective cover. [When printed in patents, such computer printout sheets will appear at the end of the description but before the claims and will usually be reduced about  $\frac{1}{2}$  in size with two printout sheets being printed as one patent specification page.] Any amendments must be made by way of submission of a substitute sheet >.< [if the copy is to be used for camera ready copy.]

>(c)< [(b)] *As an appendix which will not be printed.* If a computer program listing printout is 11 or more pages long, applicants >must< [may] submit such listing in the form of microfiche, referred to in the specification (see § 1.77 >(a)(7)< [(c)(2)]). Such microfiche filed with a patent application is to be referred to as a "microfiche appendix." The "microfiche appendix" will not be part of the printed patent. Reference in the application to the "microfiche appendix" >must< [should] be made at the beginning of the specification at the

location indicated in § 1.77 >(a)(7)< [(c)(2)]. Any amendments thereto must be made by way of revised microfiche. [All computer program listings submitted on paper will be printed as part of the patent.]

(1) *Availability of appendix.* Such computer program listings on microfiche will be available to the public for inspection, and microfiche copies thereof will be available for purchase with the file wrapper and contents, after a patent based on such application is granted or the application is otherwise made publicly available.

(2) *Submission requirements.* >Except as modified or clarified below, computer-generated< [Computer-generated] information submitted as >a “microfiche appendix”< [an appendix] to an application [for patent] shall be in [the form of microfiche in] accordance with the standards set forth in the following American National Standards Institute (ANSI) or National Micrographics Association (NMA) standards [(Note: As new editions of these standards are published, the latest shall apply)]:

ANSI PH 1.28–1976—Specifications for Photographic Film for Archival records, Silver-Gelatin Type, on Cellulose Ester Base.

ANSI PH 1.41–1976 Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base.

NMA-MSI (1971) Quality Standards for Computer Output Microfilm.

ANSI/NMA MS2 (1978) Format and Coding Standards for Computer Output Microfilm.

NMA MS5 (ANSI PH 5.9–1975) Microfiche of Documents.

ANSI PH 2.19 (1959)—Diffuse Transmission Density. [Except as modified or clarified below:]

(i) [Either] Computer-Output-Microfilm (COM) output [or copies of photographed paper copy] may be submitted >in accordance with either< [In the former case,] NMA >standard< [standards] MS1 >or< [and] MS2 >.< [apply; in the latter case, standard MS5 applies.]

(ii) Film submitted shall be first generation (camera film) negative appearing microfiche (with emulsion on the back side of the film when viewed with the images right reading).

(iii) Reduction ratio of microfiche submitted should be 24:1 or a similar ratio where variation from said ratio is required in order to fit the documents into the image area of the microfiche format used.

(iv) Film submitted shall have a thickness of at least >0.13 mm (.005 inches)< [0.005 inches (0.13 mm)] and not more than >0.23 mm (.009 inches)<

[.009 inches (0.23 mm)] for either cellulose acetate base or polyester base type.

(v) Both microfiche formats A1 (98 frames, 14 columns x 7 rows) and A3 (63 frames, 9 columns x 7 rows) which are described in NMA standard MS2 (A1 is also described in MS5) are acceptable for use in preparation of microfiche submitted.

(vi) At least the left-most  $\frac{1}{3}$  (50 mm x 12 mm) of the header or title area of each microfiche submitted shall be clear or positive appearing so that the Patent and Trademark Office can apply >application< [serial] number and filing date thereto in an eye-readable form. The middle portion of the header shall be used by applicant to apply an eye-readable application identification such as the title and/or the first inventor's name. The attorney's docket number may be included. The final right-hand portion of the microfiche shall contain sequence in-formation for the microfiche, such as 1 of 4, 2 of 4, etc.

(vii) Additional requirements which apply specifically to microfiche of filmed paper copy:

(A) The first frame of each microfiche submitted shall contain a standard test target which contains five NBS Micro-copy Resolution Test Charts (No. 1010A), one in the center and one in each corner. See illustration on page 2 of NMA Recommended Practice MS104, Inspection and Quality Control of First Generation Silver Halide Microfilm. See also paragraph 7 of NMA-MS5.

(B) The second frame of each microfiche submitted must contain a fully descriptive title and the inventor's name as filed.

(C) The pages or lines appearing on the microfiche frames should be consecutively numbered.

(D) Pagination of the microfiche frames shall be from left to right and from top to bottom.

(E) At a reduction of 24:1 resolution of the original microfilm shall be at least 120 lines per mm (5.0 target) so that reproduction copies may be expected to comply with provisions of paragraph 7.1.4 of NMA Standard MS5.

(F) Background density of negative appearing camera master microfiche of filmed paper documents shall be within the range of 0.9 to 1.2 and line density should be no greater than 0.08. The density shall be visual diffuse density as measured using the method described in ANSI Standard PH 2.19.

(G) An index, when included, should appear in the last frame (lower right hand corner when data is right-reading) of each microfiche. See NMA-MS5, paragraph 6.6.

(viii) Microfiche generated by Computer Output Microfilm (COM).

(A) Background density of negative-appearing COM-generated camera master microfiche shall be within the range of 1.5 to 2.0 and line density should be no greater than 0.2. The density shall be visual diffuse density as described in ANSI PH2.19.

(B) The first frame of each microfiche submitted should contain a resolution test frame in conformance with NMA standard MS1.

(C) The second frame of each microfiche submitted must contain a fully descriptive title and the inventor's name as filed.

(D) The pages or lines appearing on the microfiche frames should be consecutively numbered.

(E) It is preferred that pagination of the microfiche frames be from left to right and top to bottom but the alternative, i.e., from top to bottom and from left to right, is also acceptable.

(F) An index, when included, should appear on the last frame (lower right hand corner when data is right reading) of each microfiche.

(G) Amendment of microfiche must be made by way of replacement microfiche.

30. Section 1.97 is proposed to be amended by revising paragraphs (a)–(d) to read as follows:

#### **§ 1.97 Filing of an information disclosure statement.**

(a) In order >for an applicant for patent or for reissue of a patent, or an owner of a patent under reexamination< to have information considered by the Office during the pendency of a patent application, an information disclosure statement in compliance with § 1.98 should be filed in accordance with this section.

(b) An information disclosure statement shall be considered by the Office if filed >by the applicant or patent owner<:

(1) Within three months of the filing date of a national application;

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last.

(c) An information disclosure statement shall be considered by the Office if filed >by the applicant or patent owner< after the period specified in paragraph (b) of this section, but before the mailing date of either:

(1) A final action under § 1.113; or

(2) A notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied

by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p).

(d) An information disclosure statement shall be considered by the Office if filed by the applicant or patent owner after the mailing date of either:

(1) A final action under § 1.113; or  
(2) A notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by:

(i) A certification as specified in paragraph (e) of this section;

(ii) A petition requesting consideration of the information disclosure statement; and

(iii) The petition fee set forth in § 1.17(i).

\* \* \* \* \*

31. Section 1.98 is proposed to be amended by revising paragraphs (a)–(b) to read as follows:

**§ 1.98 Content of information disclosure statement.**

(a) Any information disclosure statement filed under § 1.97 shall include:

(1) list of all patents, publications or other information submitted for consideration by the Office;

(2) A legible copy of:

(i) Each U.S. patent application notice, technical contents publication and U.S. and foreign patent;

(ii) Each publication or that portion which caused it to be listed; and

(iii) All other information or that portion which caused it to be listed, except that no copy of an unpublished [a] U.S. patent application need be included; and

(3) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein.

(b) Each U.S. patent listed in an information disclosure statement shall be identified by patentee, patent number and issue date. Each U.S. patent application notice or technical contents publication listed in an information disclosure statement shall be identified by applicant, patent application notice number or technical contents publication number and publication date. Each foreign patent or published foreign patent application shall be identified by the country or patent office which issued the patent or published

the application, an appropriate document number, and the publication date indicated on the patent or published application. Each publication shall be identified by author (if any), title, relevant pages of the publication, date, and place of publication.

\* \* \* \* \*

32. Section 1.107 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 1.107 Citation of references.**

(a) If domestic patents are cited by the examiner, their numbers and dates, and the names of the patentees [, and the classes of inventions] must be stated. If domestic published applications are cited by the examiner, their technical contents publication number, publication date, and the names of the applicants must be stated. If foreign published applications or patents are cited, their nationality or country, numbers and dates, and the names of the patentees must be stated, and such other data must be furnished as may be necessary to enable the applicant, or in the case of a reexamination proceeding, the patent owner, to identify the published applications or patents cited. In citing foreign published applications or patents, in case only a part of the document is involved, the particular pages and sheets containing the parts relied upon must be identified. If printed publications are cited, the author (if any), title, date, pages or plates, and place of publication, or place where a copy can be found, shall be given.

\* \* \* \* \*

33. Section 1.108 is proposed to be revised to read as follows:

**§ 1.108 Abandoned applications not cited.**

Abandoned applications as such will not be cited as references, except those which are published applications or have been opened to inspection by the public following a defensive publication.

34. Section 1.131 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.**

(a)(1) When any claim of an application or a patent under reexamination is rejected under 35 U.S.C. 102(a) or (e), or 35 U.S.C. 103 based on a U.S. patent or pending or patented published application to another which is prior art under 35 U.S.C. 102 (a) or (e) and which substantially shows or describes but does not claim the same patentable

invention, as defined in § 1.601(n), or on reference to a foreign patent, an abandoned U.S. published application, or to a printed publication, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to overcome the patent, published application or publication. The oath or declaration must include facts showing a completion of the invention in this country or in a NAFTA or WTO member country before the filing date of the U.S. published application or the application on which the U.S. patent issued, or before the date of the foreign patent, or before the date of the printed publication. When an appropriate oath or declaration is made, the patent, published application or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent, published application or publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

(2) A date of completion of the invention may not be established under this section before December 8, 1993, in a NAFTA country, or before January 1, 1996, in a WTO member country other than a NAFTA country.

(3) Notwithstanding the provisions of paragraph (a)(1) of this section, a showing may be made under this section where the inventions defined by a claim in an application or a patent under reexamination and by a claim in U.S. patent or pending or patented published application are not identical as set forth in 35 U.S.C. 102, and where the inventions are owned by the same party, unless the date of such patent or published application is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

\* \* \* \* \*

35. Section 1.132 is proposed to be revised to read as follows:

**§ 1.132 Affidavits or declarations traversing grounds of rejection.**

When any claim of an application or a patent under reexamination is rejected on reference to a [domestic] U.S. patent or pending U.S. published application which substantially shows or describes but does not claim the invention, or on reference to a foreign patent, an abandoned U.S. published application, or to a printed publication, or to facts within the personal knowledge of an employee of the Office, or when rejected upon a

mode or capability of operation attributed to a reference, or because the alleged invention is held to be inoperative or lacking in utility, or frivolous or injurious to public health or morals, affidavits or declarations traversing these references or objections may be received.

36. Section 1.136 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 1.136 Filing of timely responses with petition and fee for extension of time and extensions of time for cause.**

(a)(1) If an applicant is required to respond within a nonstatutory or shortened statutory time period, applicant may respond up to four months after the time period set if a petition for an extension of time and the fee set in § 1.17 are filed prior to or with the response, unless:

(i) Applicant is notified otherwise in an Office action;

(ii) >The response is to a requirement for an English translation, an abstract or claims on a separate sheet, or substitute specification or sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction submitted pursuant to §§ 1.52(d), 1.53(d), 1.60(d), 1.62(d), 1.494(c) or 1.495(c), or an oath or declaration submitted pursuant to §§ 1.494(c) or 1.495(c);

(iii) < The response is a reply brief submitted pursuant to § 1.193(b);

>(iv) < [(iii)] The response is a request for an oral hearing submitted pursuant to § 1.194(b);

>(v) < [(iv)] The response is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or

>(vi) < [(v)] The application is involved in an interference declared pursuant to § 1.611.

(2) The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. In no case may an applicant respond later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available. See § 1.136(b) for extensions of time relating to >the filing of an English translation pursuant to §§ 1.52(d), 1.494(c) or 1.495(c), the filing of an abstract or claims on a separate sheet, substitute specification or sheets of drawings of sufficient clarity, contrast, and quality and in the

proper size and format for electronic reproduction pursuant to §§ 1.53(d), 1.60(d), 1.62(d), 1.494(c), or 1.495(c), the filing of an oath or declaration pursuant to §§ 1.494(c) or 1.495(c), or < proceedings pursuant to §§ 1.193(b), 1.194, 1.196 or 1.197. See § 1.304 for extension of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action. See § 1.550(c) for extension of time in reexamination proceedings and § 1.645 for extension of time in interference proceedings.

37. Section 1.138 is proposed to be revised to read as follows:

**§ 1.138 Express abandonment.**

An application may be expressly abandoned by filing in the Patent and Trademark Office a written declaration of abandonment signed by the applicant and the assignee of record, if any, and identifying the application. An application may also be expressly abandoned by filing a written declaration of abandonment signed by the attorney or agent of record. A registered attorney or agent acting under the provision of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application. Express abandonment of the application may not be recognized by the Office unless it is actually received by appropriate officials in time to act thereon before the date of issue >or publication. An applicant seeking to abandon an application to avoid publication of the application must submit a proper letter of express abandonment more than two months prior to the projected date of publication to allow sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process, and unless an applicant receives written acknowledgement of the letter of express abandonment prior to the projected date of publication, applicant should expect that the application will be published in regular course <.

38. Section 1.154 is proposed to be revised to read as follows:

**§ 1.154 Arrangement of specification.**

>(a) The elements of the design application, if applicable, should appear in the following order < [The following order of arrangement should be observed in framing design specifications]:

>(1) Design Application Transmittal Form.

(2) Fee Transmittal Form.

(3) < [(a)] Preamble, stating name of the applicant and title of the design.

>(4) Cross-reference to related applications.

(5) Statement regarding federally sponsored research or development. <

>(6) < [(b)] Description of the figure or figures of the drawing.

>(7) < [(c)] Description [, if any].

>(8) < [(d)] Claim.

>(9) Drawings or photographs

(10) < [(e)] Executed oath or declaration (See § 1.153(b)).

(b) [Reserved]

39. Section 1.163 is proposed to be amended by adding new paragraphs (c) and (d) to read as follows:

**§ 1.163 Specification.**

\* \* \* \* \*

>(c) The elements of the plant application, if applicable, should appear in the following order:

(1) Plant Application Transmittal Form.

(2) Fee Transmittal Form.

(3) Abstract of the disclosure.

(4) Title of the invention.

(5) Cross-reference to related applications.

(6) Statement regarding federally sponsored research or development.

(7) Background of the invention.

(8) Brief summary of the invention.

(9) Brief description of the drawing.

(10) Detailed Botanical Description.

(11) Claim.

(12) Drawings (in duplicate).

(13) Executed oath or declaration.

(14) Plant color coding sheet.

(d) A plant color coding sheet as used in this section means a sheet that specifies a color coding system as designated in a recognized color dictionary, and lists every plant structure to which color is a distinguishing feature and the corresponding color code which best represents that plant structure. <

40. Section 1.291 is proposed to be amended by revising paragraphs (a)–(b) to read as follows:

**§ 1.291 Protests by the public against pending applications.**

(a) Protests by a member of the public against pending applications will be referred to the examiner having charge of the subject matter involved. A protest specifically identifying the application to which the protest is directed will be entered in the application file if:

(1) The protest is [timely] submitted >:

(i) prior to the date the application was published or the mailing of a notice of allowance under § 1.311, whichever occurs first; or

(ii) within two months of the date the application was published or prior to

the mailing of a notice of allowance under § 1.311, whichever occurs first, if accompanied by the fee set forth in § 1.17(t)< and

(2) The protest is either served upon the applicant in accordance with § 1.248, or >, if submitted prior to the date the application was published,< filed with the Office in duplicate in the event service is not possible.

[Protests raising fraud or other inequitable conduct issues will be entered in the application file, generally without comment on those issues. Protests which do not adequately identify a pending patent application will be disposed of and will not be considered by the Office.]

(b) >Protests raising fraud or other inequitable conduct issues will be entered in the application file, generally without comment on those issues. Protests which do not adequately identify a pending patent application will be disposed of and will not be considered by the Office.< A protest submitted in accordance with the second sentence of paragraph (a) of this section will be considered by the Office if >the application is still pending when the protest and application file are brought before the examiner and < it includes:

(1) A listing of the patents, publications, or other information relied upon;

(2) A concise explanation of the relevance of each listed item;

(3) A copy of each listed patent or publication or other item of information in written form or at least the pertinent portions thereof; and

(4) An English language translation of all the necessary and pertinent parts of any non-English language patent, publication, or other item of information in written form relied upon.

\* \* \* \* \*

41. Section 1.292 is proposed to be amended by revising paragraphs (a)–(b) to read as follows:

#### **§ 1.292 Public use proceedings.**

(a) When a petition for the institution of public use proceedings, supported by affidavits or declarations [and the fee set forth in § 1.17(j), is filed by one having information of the pendency of an application and] is found, on reference to the examiner, to make a *prima facie* showing that the invention claimed in an application believed to be on file had been in public use or on sale more than one year before the filing of the application, a hearing may be had before the Commissioner to determine whether a public use proceeding should be instituted. If instituted, the Commissioner may designate an

appropriate official to conduct the public use proceeding, including the setting of times for taking testimony, which shall be taken as provided by §§ 1.671 through 1.685. The petitioner will be heard in the proceedings but after decision therein will not be heard further in the prosecution of the application for patent.

(b) The petition and accompanying papers [should either: (1) Reflect that a copy of the same has been served upon the applicant or upon his attorney or agent of record; or (2) be filed with the Office in duplicate in the event service is not possible. The petition and accompanying papers], or a notice that such a petition has been filed, shall be entered in the application file [.] >if:

(1) The petition is accompanied by the fee set forth in § 1.17(j);

(2) The petition is served on the applicant in accordance with § 1.248, or, if submitted prior to the date the application was published, filed with the Office in duplicate in the event service is not possible; and

(3) The petition is submitted within two months of the date the application was published or prior to the mailing of a notice of allowance under § 1.311, whichever occurs first.<

\* \* \* \* \*

42. A new, undesignated center heading and new sections 1.305 through 1.308 are proposed to be added to Subpart B-National Processing Provisions to read as follows:

#### **>Publication of Applications**

##### **§ 1.305 Withdrawal from publication.**

Applications may be withdrawn from publication at the initiative of the Office or upon request by the applicant. An application will not be withdrawn from publication for any reason except:

(a) A mistake on the part of the Office;

(b) The application is either national security classified (see § 5.9(b)) or subject to a secrecy order pursuant to 35 U.S.C. 181; or

(c) Express abandonment of the application pursuant to § 1.138.

##### **§ 1.306 Publication of application.**

(a) A U.S. national application for patent which was either filed in the Office under 35 U.S.C. 111(a) or which resulted from an international application after compliance with 35 U.S.C. 371, or an application filed in the Office under 35 U.S.C. 161 will be published as soon as possible after the expiration of a period of 18 months from the filing date, including the earliest filing date for which a benefit is sought, unless:

(1) The application is national security classified (see § 5.9(b)) or

subject to a secrecy order pursuant to 35 U.S.C. 181;

(2) The application has issued as a patent;

(3) The application is recognized by the Office as no longer pending; or

(4) The application was previously published pursuant to paragraph (d) of this section.

(b) The publication of an application shall consist of:

(1) A notice designated as a “Gazette Entry” containing information such as the application number, filing date, title, inventor’s name, abstract, a drawing figure (if appropriate), a representative claim, and U.S. and International Patent Classification (IPC) classification(s) in a Gazette of Patent Application Notices;

(2) A printed publication designated as a “patent application notice” containing information such as the application number, filing date, title, inventor’s name, correspondence address, abstract, a drawing figure (if appropriate), a representative claim, and U.S. and International Patent Classification (IPC) classification(s);

(3) A document designated as a “technical contents publication” containing the patent application notice and the specification, abstract, claim(s), and drawing(s); and

(4) Public access to a copy of the specification, drawings, and all papers relating to the application file in accordance with § 1.11(a).

(c) Provisional applications filed in the Office under 35 U.S.C. 111(b) shall not be published, and design applications filed in the Office under 35 U.S.C. 171 and reissue applications filed in the Office under 35 U.S.C. 251 shall not be published pursuant to this section.

(d) Applications that will be published pursuant to paragraph (a) of this section may be published earlier than as set forth in paragraph (a) of this section upon petition by the applicant. Any petition requesting early publication of an application must be accompanied by the fee set forth in § 1.17(i) and filed as soon as possible. No consideration will be given to requests for early publication in an application lacking an abstract or claims on a separate sheet, any English translation required pursuant to § 1.52(d), or substitute specification or drawings required pursuant to §§ 1.53(d), 1.60(d), or 1.62(d). No consideration will be given to requests for publication on a certain date, and such requests will be treated as a request for publication as soon as possible.

(e) An applicant who is an independent inventor and has been



accorded status under 35 U.S.C. 41(h) in an application that will be published pursuant to paragraph (a) of this section and does not claim the benefit of an earlier filing date under 35 U.S.C. 119, 120, 121, 365(a) or 365(c) may request that the application not be published until three months after an action on the merits. A petition requesting that the application not be published until three months after an action on the merits must be submitted with the filing of the application and be accompanied by:

(1) The petition fee set forth in § 1.17(i); and

(2) A certification that the invention disclosed in the application was not or will not be the subject of an application filed in a foreign country. The certification must be verified if made by a person not registered to practice before the Patent and Trademark Office.

### § 1.307 Delivery of the printed publication.

The patent application notice will be delivered or mailed on the day of its publication to the correspondence address of record. See § 1.33(a).

### § 1.308 Correction of the printed publication.

A request for a certificate of correction for the patent application notice will only be granted when the Office makes a significant mistake which is apparent from Office records.

43. Section 1.315 is proposed to be revised to read as follows:

### § 1.315 Delivery of patent.

The patent will be delivered or mailed >upon issuance< [on the day of its date] to >the correspondence address of record. See § 1.33(a).< [the attorney or agent of record, if there be one; or if the attorney or agent so requests, to the patentee or assignee of an interest therein; or, if there be no attorney or agent, to the patentee or to the assignee of the entire interest, if he so requests.]

44. Section 1.321 is proposed to be amended by revising paragraph (c) to read as follows:

### § 1.321 Statutory disclaimers, including terminal disclaimers.

\* \* \* \* \*

(c) A terminal disclaimer, when filed to obviate a >non-statutory< double patenting rejection in a patent application or in a reexamination proceeding, must:

(1) Comply with the provisions of paragraphs (b)(2) through (b)(4) of this section;

(2) Be signed in accordance with paragraph (b)(1) of this section if filed in a patent application or in accordance with paragraph (a)(1) of this section if filed in a reexamination proceeding; and

(3) Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

45. Section 1.492 is proposed to be amended by revising paragraph (a) to read as follows:

### § 1.492 National stage fees.

\* \* \* \* \*

(a) The basic national fee:

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.9(f))—>\$355.00< [ \$330.00 ]

By other than a small entity—>710.00< [ 660.00 ]

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.9(f))—>390.00< [ 365.00 ]

By other than a small entity—>780.00< [ 730.00 ]

(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.9(f))—>520.00< [ 490.00 ]

By other than a small entity—>1040.00< [ 980.00 ]

(4) Where the international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)):

By a small entity (§ 1.9(f))—>60.00< [ 46.00 ]

By other than a small entity—>120.00< [ 92.00 ]

(5) Where a search report on the international application has been

prepared by the European Patent Office or the Japanese Patent Office:

By a small entity (§ 1.9(f))—>455.00< [ 425.00 ]

By other than a small entity—>910.00< [ 850.00 ]

\* \* \* \* \*

46. Section 1.494 is proposed to be amended by revising paragraphs (c) and (g) to read as follows:

### § 1.494 Entering the national stage in the United States of America as a Designated Office.

\* \* \* \* \*

(c) If applicant complies with paragraph (b) of this section before expiration of 20 months from the priority date but omits:

(1) A translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2)) >;< [and/or]

(2) The oath or declaration of the inventor (35 U.S.C. 371(c)(4); see § 1.497);

>(3) An abstract or claims on a separate sheet (see §§ 1.72(b) and 1.75(h));

(4) Papers typed on but one side of the paper (see § 1.52(b)); and/or

(5) Application papers or sheets of drawings of sufficient clarity, contrast, and quality, and in the proper size and format for electronic reproduction (see §§ 1.52(a) and (b) and 1.85(a)), < applicant will be so notified and given a period of time within which to file the >English< translation >, < [and/or] oath or declaration >, abstract or claims on a separate sheet, and a substitute specification in compliance with § 1.125 with papers typed on but one side of the paper and sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction < in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of 20 months after the priority date. The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of 20 months after the priority date. >The period for filing the English translation, oath or declaration, an abstract and claims on a separate sheet, and a substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction cannot be extended pursuant to § 1.136(a). < A copy of the notification mailed to

applicant should accompany any response thereto submitted to the Office.

\* \* \* \* \*

(g) An international application becomes abandoned as to the United States 20 months from the priority date if the requirements of paragraph (b) of this section have not been complied with within 20 months from the priority date where the United States has been designated but not elected by the expiration of 19 months from the priority date. If the requirements of paragraph (b) of this section are complied with within 20 months from the priority date but any required translation of the international application as filed >, < [and/or] the oath or declaration >, abstract or claims on a separate sheet, and/or substitute specification in compliance with § 1.125 with papers typed on but one side of the paper and sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction < are not timely filed, an international application will become abandoned as to the United States upon expiration of the time period set pursuant to paragraph (c) of this section.

47. Section 1.495 is proposed to be amended by revising paragraphs (c) and (h) to read as follows:

**§ 1.495 Entering the national stage in the United States of America as an Elected Office.**

\* \* \* \* \*

(c) If applicant complies with paragraph (b) of this section before expiration of 30 months from the priority date but omits:

(1) A translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2)) >; < [and/or]

(2) The oath or declaration of the inventor (35 U.S.C. 371(c)(4); see § 1.497);

>(3) An abstract or claims on a separate sheet (see §§ 1.72(b) and 1.75(h));

(4) Papers typed on but one side of the paper (see § 1.52(b)); and/or

(5) Application papers or sheets of drawings of sufficient clarity, contrast, and quality, and in the proper size and format for electronic reproduction (see §§ 1.52(a) and (b) and 1.85(a)), < applicant will be so notified and given a period of time within which to file the >English < translation >, < [and/or] oath or declaration >, abstract or claims on a separate sheet, and a substitute specification in compliance with § 1.125 with papers typed on but one side of the

paper and sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction < in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of 30 months after the priority date. The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of 30 months after the priority date. >The period for filing the English translation, oath or declaration, an abstract and claims on a separate sheet, and a substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction cannot be extended pursuant to § 1.136(a). < A copy of the notification mailed to applicant should accompany any response thereto submitted to the Office.

\* \* \* \* \*

(h) An international application becomes abandoned as to the United States 30 months from the priority date if the requirements of paragraph (b) of this section have not been complied with within 30 months from the priority date where the United States has been elected by the expiration of 19 months from the priority date. If the requirements of paragraph (b) of this section are complied with within 30 months from the priority date but any required translation of the international application as filed >, < [and/or] the oath or declaration >, abstract or claims on a separate sheet, and/or a substitute specification in compliance with § 1.125 with papers typed on but one side of the paper and sheets of drawings, each of the substitute specification and sheets of drawings of sufficient clarity, contrast, and quality and in the proper size and format for electronic reproduction < are not timely filed, an international application will become abandoned as to the United States upon expiration of the time period set pursuant to paragraph (c) of this section.

48. Section 1.497 is proposed to be revised to read as follows:

**§ 1.497 Oath or declaration under 35 U.S.C. 371(c)(4).**

(a) When an applicant of an international application [, if the inventor,] desires to enter the national stage under 35 U.S.C. 371 pursuant to §§ 1.494 or 1.495, he or she must file an oath or declaration >that:

(1) Is executed in accordance with either §§ 1.66 or 1.68;

(2) Identifies the specification to which it is directed;

(3) Identifies each inventor and the country of citizenship of each inventor; and

(4) States that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought. < [in accordance with § 1.63.]

(b) >(1) The oath or declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43 or 1.47.

(2) < If the >person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), < [international application was made as provided in §§ 1.422, 1.423 or 1.425,] the >oath or declaration shall state the relationship of the person < [applicant shall state his or her relationship] to the inventor and, upon information and belief, the facts which the inventor is required [by § 1.63] to state.

>(c) The oath or declaration must comply with the requirements of § 1.63; however, if the oath or declaration meets the requirements of paragraphs (a) and (b) of this section, the oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4) and §§ 1.494(c) or 1.495(c). If the oath or declaration does not meet the requirements of § 1.63, a supplemental oath or declaration in compliance with § 1.63 will be required in accordance with § 1.67. <

49. Section 1.701 is proposed to be revised as follows:

**§ 1.701 Extension of patent term due to prosecution delay.**

(a) A patent, other than for designs, issued on an application filed on or after June 8, 1995, is >, subject to the provisions of this section, < entitled to extension of the patent term if the issuance of the patent was delayed due to:

(1) Interference proceedings under 35 U.S.C. 135(a); and/or

(2) The application being placed under a secrecy order under 35 U.S.C. 181; and/or

(3) Appellate review by the Board of Patent Appeals and Interferences or by a Federal court under 35 U.S.C. 141 or 145, if the patent was issued pursuant to a decision reversing an adverse determination of patentability >; and/or < [and if the patent is not subject to a terminal disclaimer due to the issuance of another patent claiming subject matter that is not patentably distinct from that under appellate review.]

>(4) An unusual administrative delay by the Office.

(i) Circumstances constituting an unusual administrative delay by the Office include the failure to:

(A) Act on a reply under § 1.111 or appeal brief under § 1.192 within six months of the date it was filed;

(B) Act on an application within six months of the date of a decision under § 1.196 by the Board of Patent Appeals and Interferences where claims stand allowed in an application or the nature of the decision requires further action by the examiner (§ 1.197); and

(C) Issue a patent within six months of the date that the issue fee was paid or all outstanding requirements were satisfied, whichever is later.<

(ii) [Reserved]

(b) The term of a patent entitled to extension under paragraph (a) of this section shall be extended for the sum of the periods of delay calculated under paragraphs (c)(1), (c)(2), (c)(3) >, (c)(4) < and (d) of this section, to the extent that these periods are not overlapping, up to a maximum of >ten< [five] years. The extension will run from the expiration date of the patent.

(c)(1) The period of delay under paragraph (a)(1) of this section for an application is the sum of the following periods, to the extent that the periods are not overlapping:

(i) With respect to each interference in which the application was involved, the number of days, if any, in the period beginning on the date the interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and

(ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Patent and Trademark Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension.

(2) The period of delay under paragraph (a)(2) of this section for an application is the sum of the following periods, to the extent that the periods are not overlapping:

(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181;

(ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 1.193 in the application under secrecy order and ending on the date the secrecy order and any renewal thereof was removed;

(iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would

be declared but for the secrecy order and ending on the date the secrecy order and any renewal thereof was removed; and

(iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) >of this chapter< and ending on the date of mailing of the notice of allowance under § 1.311.

(3) The period of delay under paragraph (a)(3) of this section is the sum of the number of days, if any, in the period beginning on the date on which an appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145.

>(4) The period of delay under paragraph (a)(4) of this section is the sum of the number of days, if any, in the period of unusual delay by the Office.<

(d) The period [of delay] set forth in paragraph (c)[(3)] shall be reduced by >any time during the processing or examination of the application, as determined by the Commissioner, during which the applicant for patent failed to engage in reasonable efforts to conclude processing or examination of the application. In determining whether an applicant failed to engage in reasonable efforts to conclude processing or examination of the application, the Commissioner may examine the facts and circumstances of the applicant's actions during the entire prosecution of the application to determine whether the applicant exhibited that degree of timeliness as may reasonably be expected from, and which is ordinarily exercised by, an applicant for patent seeking to conclude the processing or examination of the application. Circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application include:

(1) Requesting suspension of action under § 1.103; and  
(2) Abandonment of the application.<

[:  
(1) any time during the period of appellate review that occurred before three years from the filing date of the first national application for patent presented for examination; and

(2) any time during the period of appellate review, as determined by the Commissioner, during which the applicant for patent did not act with due diligence. In determining the due diligence of an applicant, the Commissioner may examine the facts

and circumstances of the applicant's actions during the period of appellate review to determine whether the applicant exhibited that degree of timeliness as may reasonably be expected from, and which is ordinarily exercised by, a person during a period of appellate review.]

>(e) No patent term shall be extended under this section:

(1) Beyond the expiration date specified in a terminal disclaimer in a patent whose term has been disclaimed in such terminal disclaimer; or

(2) In a patent issued before the expiration of three years after the filing date of the application or entry of the application into the national stage under 35 U.S.C. 371, whichever is later, not taking into account any claim to the benefit of the filing date of any application under 35 U.S.C. 120, 121, 365(c).

(f) Any extension of patent term under paragraph (a)(4) of this section on the basis of an administrative delay other than one specifically set forth in paragraphs (a)(4)(i)(A) through (C) of this section must be requested by petition. A petition for an extension of patent term based upon unusual administrative delay by the Office other than one specifically set forth in paragraphs (a)(4)(i)(A) through (C) of this section cannot be filed prior to the mailing of a notice of allowance under § 1.311 and must be accompanied by:

(1) A statement of the facts involved, the administrative delay by the Office to be reviewed, and the period of extension requested; and

(2) The fee set forth in § 1.17(i). The petition may include a request that the petition fee be refunded if an extension of the patent term under paragraph (a)(4) of this section is granted.<

50. Section 1.808 is proposed to be amended by revising paragraph (a) to read as follows:

#### **§ 1.808 Furnishing of samples.**

(a) A deposit must be made under conditions that assure that:

(1) Access to the deposit will be available during pendency of the patent application making reference to the deposit to one determined by the Commissioner to be entitled thereto under § 1.14 and 35 U.S.C. 122>(a)<, and

(2) Subject to paragraph (b) of this section, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the >publication of the application under § 1.306 or< granting of the patent.

\* \* \* \* \*

**PART 3—ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE**

51. The authority citation for 37 CFR part 3 would continue to read as follows:

**Authority:** 15 U.S.C. 1123; 35 U.S.C. 6.

52. Section 3.31 is proposed to be amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

**§ 3.31 Cover sheet content.**

\* \* \* \* \*

(b) >For a patent application, the cover sheet may include an indication that the assignment information is to be printed on the patent application notice. If the assignment and cover sheet containing the above-mentioned indication is not submitted within two months of filing or fourteen months from the earliest filing date for which a benefit is claimed, whichever is later, the assignment information may not be printed on the patent application notice.<

\* \* \* \* \*

**PART 5—SECURITY OF CERTAIN INVENTIONS AND LICENSES TO EXPORT AND FILE APPLICATIONS IN FOREIGN COUNTRIES**

53. The authority citation for 37 CFR part 5 would continue to read as follows:

**Authority:** 35 U.S.C. 6, 41, 181–188, as amended by the Patent Law Foreign Filing Amendments Act of 1988, Pub. L. 100–418, 102 Stat. 1567; the Arms Export Control Act, as amended, 22 U.S.C. 2751 et seq.; the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.; and the Nuclear Non-Proliferation Act of 1978, 22 U.S.C. 3201 et seq.; and the delegations in the regulations under these Acts to the Commissioner (15

CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7).

54. Section 5.1 is proposed to be amended by adding new paragraphs (c) and (d) to read as follows:

**§ 5.1 Defense inspection of certain applications.**

\* \* \* \* \*

>(c) Defense agency inspection must be promptly completed to enable those applications due for publication under § 1.306 of this chapter to be published in regular course. Applications under defense agency review will be released for publication six months from the actual U.S. filing date or three months from the date the application was made available to a defense agency under paragraph (b) of this section, whichever is later.

(d) Applications on inventions not made in the United States and on inventions in which the U.S. Government has a property interest will not be made available to defense agencies under § 5.2(b).<

55. A new § 5.9 is proposed to be added under the undesignated center heading “Secrecy Orders” to read as follows:

**>§ 5.9 National security classified applications.**

(a) Patent applications and papers relating thereto that are national security classified and contain authorized national security markings of “Confidential,” “Secret” or “Top Secret,” as appropriate, are accepted by the Office. National security classified documents mailed to the Office must be addressed in compliance with § 5.33. National security classified documents may be hand-carried to Licensing and Review.

(b) A national security classified patent application will not be published pursuant to § 1.306 of this chapter or allowed pursuant to § 1.311 of this chapter until the application is declassified.

(c) The applicant in a national security classified patent application must obtain a secrecy order pursuant to § 5.2. In a national security classified patent application filed without a notification pursuant to § 5.2(a), the Office will set a time period within which the application must be declassified, a secrecy order pursuant to § 5.2 must be obtained, or evidence of a good faith effort to obtain a secrecy order pursuant to § 5.2 from the relevant department or agency must be presented in order to prevent abandonment of the application.

(d) Where evidence of a good faith effort to obtain a secrecy order pursuant to § 5.2 from the relevant department or agency is presented within the time period set by the Office, but the application has not been declassified and a secrecy order pursuant to § 5.2 has not been obtained, the Office will again set a time period within which the application must be declassified, a secrecy order pursuant to § 5.2 must be obtained, or evidence of a good faith effort to again obtain a secrecy order pursuant to § 5.2 from the relevant department or agency must be presented in order to prevent abandonment of the application.<

Dated: July 27, 1995.

**Bruce A. Lehman,**

*Assistant Secretary of Commerce and  
Commissioner of Patents and Trademarks.*

**Note:** The following appendixes will not appear in the Code of Federal Regulations.

**BILLING CODE 3510-16-P**

## Appendix A—Forms

PTO/SB/ xx (6-95)  
OMB 0651-0032

Approved for use through  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

|                                                     |                                                            |                                                                                                                                                                                        |
|-----------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0002/PTO<br>Rev. 6/95<br><br><b>FEE TRANSMITTAL</b> | U.S. Department of Commerce<br>Patent and Trademark Office | <b>Complete if Known</b><br>Application Number _____<br>Filing Date _____<br>First Named Inventor _____<br>Group Art Unit _____<br>Examiner Name _____<br>Attorney Docket Number _____ |
| TOTAL AMOUNT OF PAYMENT (\$) _____                  |                                                            |                                                                                                                                                                                        |

| METHOD OF PAYMENT (check one)                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                              |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1 <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over deposits to:<br>Deposit Account Number _____<br>Deposit Account Name _____<br><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b) | 2 <input type="checkbox"/> Payment Enclosed:<br><br><input type="checkbox"/> Check<br><input type="checkbox"/> Money Order<br><input type="checkbox"/> Other | (reserved space) |

| FEE CALCULATION (fees effective 10/01/94)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |              |                |                                                                  |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|----------------|------------------------------------------------------------------|-----------------|----------|----------|----------|----------|----------|-----|-----|-----|-----|----------------|-------|-----|-----|-----|-----|-------------------|-------|-----|-----|-----|-----|------------------|-------|-----|-----|-----|-----|--------------------|-------|--------------|--|--|--|--|------------|--|--|-------|----------------|----------|--------------|--------------|-------|---------|---------|--------------------|-------------|-------|---------|---------|---------------------------|--|-------|--|---------|--------------|--|--------------|--|-----------------|----------|----------|----------|----------|----------|-----|----|-----|----|-----------------------------------|-------|-----|----|-----|----|------------------------|-------|-----|-----|-----|-----|--------------------------|-------|-----|----|-----|----|-------------------------------------------------|-------|-----|----|-----|----|---------------------------------------------------------|-------|--------------|--|--|--|--|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--|--------------|--|-----------------|----------|----------|----------|----------|----------|-----|-----|-----|----|-----------------------------------|-------|-----|-----|-----|-----|---------------------------|-------|-----|-------|-----|-------|----------------------------------------|-------|-----|-----|-----|-----|--------------------------------------------------------|-------|-----|-------|-----|-------|-----------------------------------------------------|-------|-----|-----|-----|----|-------------------------------------------|-------|-----|-----|-----|-----|--------------------------------------------|-------|-----|-----|-----|-----|-------------------------------------------|-------|-----|-------|-----|-----|--------------------------------------------|-------|-----|-----|-----|-----|------------------|-------|-----|-----|-----|-----|----------------------------------------|-------|-----|-----|-----|-----|--------------------------|-------|-----|-------|-----|-------|-----------------------------------------------|-------|-----|-----|-----|----|------------------------------------------------------|-------|-----|-------|-----|-----|----------------------------------------------------------|-------|-----|-------|-----|-----|--------------------------------|-------|-----|-----|-----|-----|------------------|-------|-----|-----|-----|-----|-----------------|-------|-----|-----|-----|-----|-------------------------------|-------|-----|-----|-----|-----|-------------------------------------------|-------|-----|----|-----|----|------------------------------------------------------------------|-------|-----|-----|-----|----|--------------------------------|-------|---------------------------|--|--|--|--|-------|---------------------------|--|--|--|--|-------|--------------|--|--|--|--|------------|
| <b>1 FILING FEE</b><br><table style="width: 100%;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>101</td> <td>730</td> <td>201</td> <td>365</td> <td>Utility filing</td> <td>_____</td> </tr> <tr> <td>106</td> <td>300</td> <td>206</td> <td>150</td> <td>Design filing fee</td> <td>_____</td> </tr> <tr> <td>107</td> <td>490</td> <td>207</td> <td>245</td> <td>Plant filing fee</td> <td>_____</td> </tr> <tr> <td>108</td> <td>730</td> <td>208</td> <td>365</td> <td>Reissue filing fee</td> <td>_____</td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$) _____</td> </tr> </table><br><b>2 CLAIMS</b><br><table style="width: 100%;"> <tr> <th colspan="2"></th> <th>Extra</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <td>Total Claims</td> <td>_____ - 20 =</td> <td>_____</td> <td>X _____</td> <td>= _____</td> </tr> <tr> <td>Independent Claims</td> <td>_____ - 3 =</td> <td>_____</td> <td>X _____</td> <td>= _____</td> </tr> <tr> <td colspan="2">Multiple Dependent Claims</td> <td>_____</td> <td></td> <td>= _____</td> </tr> </table><br><table style="width: 100%;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>102</td> <td>76</td> <td>202</td> <td>38</td> <td>Independent claims in excess of 3</td> <td>_____</td> </tr> <tr> <td>103</td> <td>22</td> <td>203</td> <td>11</td> <td>Claims in excess of 20</td> <td>_____</td> </tr> <tr> <td>104</td> <td>240</td> <td>204</td> <td>120</td> <td>Multiple dependent claim</td> <td>_____</td> </tr> <tr> <td>109</td> <td>76</td> <td>209</td> <td>38</td> <td>Reissue independent claims over original patent</td> <td>_____</td> </tr> <tr> <td>110</td> <td>22</td> <td>210</td> <td>11</td> <td>Reissue claims in excess of 20 and over original patent</td> <td>_____</td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$) _____</td> </tr> </table> | Large Entity |              | Small Entity   |                                                                  | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 101 | 730 | 201 | 365 | Utility filing | _____ | 106 | 300 | 206 | 150 | Design filing fee | _____ | 107 | 490 | 207 | 245 | Plant filing fee | _____ | 108 | 730 | 208 | 365 | Reissue filing fee | _____ | SUBTOTAL (1) |  |  |  |  | (\$) _____ |  |  | Extra | Fee from below | Fee Paid | Total Claims | _____ - 20 = | _____ | X _____ | = _____ | Independent Claims | _____ - 3 = | _____ | X _____ | = _____ | Multiple Dependent Claims |  | _____ |  | = _____ | Large Entity |  | Small Entity |  | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 102 | 76 | 202 | 38 | Independent claims in excess of 3 | _____ | 103 | 22 | 203 | 11 | Claims in excess of 20 | _____ | 104 | 240 | 204 | 120 | Multiple dependent claim | _____ | 109 | 76 | 209 | 38 | Reissue independent claims over original patent | _____ | 110 | 22 | 210 | 11 | Reissue claims in excess of 20 and over original patent | _____ | SUBTOTAL (2) |  |  |  |  | (\$) _____ | <b>3 ADDITIONAL FEES</b><br><table style="width: 100%;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge-late filing fee or oath</td> <td>_____</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td>_____</td> </tr> <tr> <td>147</td> <td>2,320</td> <td>147</td> <td>2,320</td> <td>For filing a request for reexamination</td> <td>_____</td> </tr> <tr> <td>112</td> <td>840</td> <td>112</td> <td>840</td> <td>Requesting publication of SIR prior to Examiner action</td> <td>_____</td> </tr> <tr> <td>113</td> <td>1,690</td> <td>113</td> <td>1,690</td> <td>Requesting publication of SIR after Examiner action</td> <td>_____</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for response within first month</td> <td>_____</td> </tr> <tr> <td>116</td> <td>370</td> <td>216</td> <td>185</td> <td>Extension for response within second month</td> <td>_____</td> </tr> <tr> <td>117</td> <td>870</td> <td>217</td> <td>435</td> <td>Extension for response within third month</td> <td>_____</td> </tr> <tr> <td>118</td> <td>1,360</td> <td>218</td> <td>680</td> <td>Extension for response within fourth month</td> <td>_____</td> </tr> <tr> <td>119</td> <td>280</td> <td>219</td> <td>140</td> <td>Notice of Appeal</td> <td>_____</td> </tr> <tr> <td>120</td> <td>280</td> <td>220</td> <td>140</td> <td>Filing a brief in support of an appeal</td> <td>_____</td> </tr> <tr> <td>121</td> <td>240</td> <td>221</td> <td>120</td> <td>Request for oral hearing</td> <td>_____</td> </tr> <tr> <td>138</td> <td>1,390</td> <td>138</td> <td>1,390</td> <td>Petition to institute a public use proceeding</td> <td>_____</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive unavoidably abandoned application</td> <td>_____</td> </tr> <tr> <td>141</td> <td>1,210</td> <td>241</td> <td>605</td> <td>Petition to revive unintentionally abandoned application</td> <td>_____</td> </tr> <tr> <td>142</td> <td>1,210</td> <td>242</td> <td>605</td> <td>Utility issue fee (or reissue)</td> <td>_____</td> </tr> <tr> <td>143</td> <td>420</td> <td>243</td> <td>210</td> <td>Design issue fee</td> <td>_____</td> </tr> <tr> <td>144</td> <td>610</td> <td>244</td> <td>305</td> <td>Plant issue fee</td> <td>_____</td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>_____</td> </tr> <tr> <td>126</td> <td>210</td> <td>126</td> <td>210</td> <td>Submission of Information Disclosure Stmt</td> <td>_____</td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (x no. properties)</td> <td>_____</td> </tr> <tr> <td>114</td> <td>150</td> <td>214</td> <td>75</td> <td>Provisional Application filing</td> <td>_____</td> </tr> <tr> <td colspan="5">Other fee (specify) _____</td> <td>_____</td> </tr> <tr> <td colspan="5">Other fee (specify) _____</td> <td>_____</td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$) _____</td> </tr> </table> | Large Entity |  | Small Entity |  | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 105 | 130 | 205 | 65 | Surcharge-late filing fee or oath | _____ | 139 | 130 | 139 | 130 | Non-English specification | _____ | 147 | 2,320 | 147 | 2,320 | For filing a request for reexamination | _____ | 112 | 840 | 112 | 840 | Requesting publication of SIR prior to Examiner action | _____ | 113 | 1,690 | 113 | 1,690 | Requesting publication of SIR after Examiner action | _____ | 115 | 110 | 215 | 55 | Extension for response within first month | _____ | 116 | 370 | 216 | 185 | Extension for response within second month | _____ | 117 | 870 | 217 | 435 | Extension for response within third month | _____ | 118 | 1,360 | 218 | 680 | Extension for response within fourth month | _____ | 119 | 280 | 219 | 140 | Notice of Appeal | _____ | 120 | 280 | 220 | 140 | Filing a brief in support of an appeal | _____ | 121 | 240 | 221 | 120 | Request for oral hearing | _____ | 138 | 1,390 | 138 | 1,390 | Petition to institute a public use proceeding | _____ | 140 | 110 | 240 | 55 | Petition to revive unavoidably abandoned application | _____ | 141 | 1,210 | 241 | 605 | Petition to revive unintentionally abandoned application | _____ | 142 | 1,210 | 242 | 605 | Utility issue fee (or reissue) | _____ | 143 | 420 | 243 | 210 | Design issue fee | _____ | 144 | 610 | 244 | 305 | Plant issue fee | _____ | 122 | 130 | 122 | 130 | Petitions to the Commissioner | _____ | 126 | 210 | 126 | 210 | Submission of Information Disclosure Stmt | _____ | 581 | 40 | 581 | 40 | Recording each patent assignment per property (x no. properties) | _____ | 114 | 150 | 214 | 75 | Provisional Application filing | _____ | Other fee (specify) _____ |  |  |  |  | _____ | Other fee (specify) _____ |  |  |  |  | _____ | SUBTOTAL (3) |  |  |  |  | (\$) _____ |
| Large Entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              | Small Entity |                | Fee Description                                                  |                 |          | Fee Paid |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Fee Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Fee (\$)     | Fee Code     | Fee (\$)       |                                                                  |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 730          | 201          | 365            | Utility filing                                                   | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 300          | 206          | 150            | Design filing fee                                                | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 490          | 207          | 245            | Plant filing fee                                                 | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 730          | 208          | 365            | Reissue filing fee                                               | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| SUBTOTAL (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |              |                |                                                                  | (\$) _____      |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              | Extra        | Fee from below | Fee Paid                                                         |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Total Claims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | _____ - 20 = | _____        | X _____        | = _____                                                          |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Independent Claims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | _____ - 3 =  | _____        | X _____        | = _____                                                          |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Multiple Dependent Claims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              | _____        |                | = _____                                                          |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Large Entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              | Small Entity |                | Fee Description                                                  | Fee Paid        |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Fee Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Fee (\$)     | Fee Code     | Fee (\$)       |                                                                  |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 76           | 202          | 38             | Independent claims in excess of 3                                | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 103                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 22           | 203          | 11             | Claims in excess of 20                                           | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 240          | 204          | 120            | Multiple dependent claim                                         | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 76           | 209          | 38             | Reissue independent claims over original patent                  | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 110                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 22           | 210          | 11             | Reissue claims in excess of 20 and over original patent          | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| SUBTOTAL (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |              |                |                                                                  | (\$) _____      |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Large Entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              | Small Entity |                | Fee Description                                                  | Fee Paid        |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Fee Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Fee (\$)     | Fee Code     | Fee (\$)       |                                                                  |                 |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 105                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 130          | 205          | 65             | Surcharge-late filing fee or oath                                | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 139                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 130          | 139          | 130            | Non-English specification                                        | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 147                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2,320        | 147          | 2,320          | For filing a request for reexamination                           | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 112                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 840          | 112          | 840            | Requesting publication of SIR prior to Examiner action           | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 113                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1,690        | 113          | 1,690          | Requesting publication of SIR after Examiner action              | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 115                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 110          | 215          | 55             | Extension for response within first month                        | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 116                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 370          | 216          | 185            | Extension for response within second month                       | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 117                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 870          | 217          | 435            | Extension for response within third month                        | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 118                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1,360        | 218          | 680            | Extension for response within fourth month                       | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 119                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 280          | 219          | 140            | Notice of Appeal                                                 | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 120                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 280          | 220          | 140            | Filing a brief in support of an appeal                           | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 121                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 240          | 221          | 120            | Request for oral hearing                                         | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 138                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1,390        | 138          | 1,390          | Petition to institute a public use proceeding                    | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 140                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 110          | 240          | 55             | Petition to revive unavoidably abandoned application             | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 141                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1,210        | 241          | 605            | Petition to revive unintentionally abandoned application         | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 142                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1,210        | 242          | 605            | Utility issue fee (or reissue)                                   | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 143                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 420          | 243          | 210            | Design issue fee                                                 | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 144                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 610          | 244          | 305            | Plant issue fee                                                  | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 122                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 130          | 122          | 130            | Petitions to the Commissioner                                    | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 126                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 210          | 126          | 210            | Submission of Information Disclosure Stmt                        | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 581                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 40           | 581          | 40             | Recording each patent assignment per property (x no. properties) | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| 114                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 150          | 214          | 75             | Provisional Application filing                                   | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Other fee (specify) _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |              |                |                                                                  | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| Other fee (specify) _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |              |                |                                                                  | _____           |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |
| SUBTOTAL (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |              |                |                                                                  | (\$) _____      |          |          |          |          |          |     |     |     |     |                |       |     |     |     |     |                   |       |     |     |     |     |                  |       |     |     |     |     |                    |       |              |  |  |  |  |            |  |  |       |                |          |              |              |       |         |         |                    |             |       |         |         |                           |  |       |  |         |              |  |              |  |                 |          |          |          |          |          |     |    |     |    |                                   |       |     |    |     |    |                        |       |     |     |     |     |                          |       |     |    |     |    |                                                 |       |     |    |     |    |                                                         |       |              |  |  |  |  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |  |              |  |                 |          |          |          |          |          |     |     |     |    |                                   |       |     |     |     |     |                           |       |     |       |     |       |                                        |       |     |     |     |     |                                                        |       |     |       |     |       |                                                     |       |     |     |     |    |                                           |       |     |     |     |     |                                            |       |     |     |     |     |                                           |       |     |       |     |     |                                            |       |     |     |     |     |                  |       |     |     |     |     |                                        |       |     |     |     |     |                          |       |     |       |     |       |                                               |       |     |     |     |    |                                                      |       |     |       |     |     |                                                          |       |     |       |     |     |                                |       |     |     |     |     |                  |       |     |     |     |     |                 |       |     |     |     |     |                               |       |     |     |     |     |                                           |       |     |    |     |    |                                                                  |       |     |     |     |    |                                |       |                           |  |  |  |  |       |                           |  |  |  |  |       |              |  |  |  |  |            |

| SUBMITTED BY          |  |      | Complete (if applicable) |  |
|-----------------------|--|------|--------------------------|--|
| Typed or Printed Name |  |      | Reg. Number              |  |
| Signature             |  | Date | Deposit Account User ID  |  |

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box --> ☐Approved for use through  
PTO/SB/xx (8-95)  
OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

|                                                                                                        |                                                            |                                |  |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------|--|
| 0002/PTO<br>Rev. 6/95                                                                                  | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket Number         |  |
| <b>NEW UTILITY PATENT<br/>APPLICATION TRANSMITTAL</b><br><i>(to be used for new applications only)</i> |                                                            | First Named Inventor           |  |
|                                                                                                        |                                                            | Total Pages in this Submission |  |

| APPLICATION ELEMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ACCOMPANYING APPLICATION PARTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                         |  |           |  |      |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--|-----------|--|------|--|
| <p><i>Notice: Checklist items mentioned under Application Elements section construct a new utility patent application. Please refer to MPEP Sections 506, 601, (37CFR 1.77, 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original patent application.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |  |           |  |      |  |
| <p>1. <input type="checkbox"/> Fee Transmittal Form (prescribed filing fee(s))</p> <p>2. Specification</p> <p><input type="checkbox"/> Abstract of the Disclosure</p> <p><input type="checkbox"/> Title of the Invention</p> <p><input type="checkbox"/> Cross References to Related Applications <i>(if applicable)</i></p> <p><input type="checkbox"/> Statement Regarding Federally-sponsored Research/Development <i>(if applicable)</i></p> <p><input type="checkbox"/> Reference to Microfiche Appendix <i>(if applicable)</i></p> <p><input type="checkbox"/> Background of the Invention</p> <p><input type="checkbox"/> Brief Summary of the Invention</p> <p><input type="checkbox"/> Brief Description of the Drawings <i>(if drawings filed)</i></p> <p><input type="checkbox"/> Detailed Description</p> <p><input type="checkbox"/> Claim or Claims</p> <p>3. <input type="checkbox"/> Drawing(s) <i>(when necessary as prescribed by 35 USC 113)</i></p> <p>4. <input type="checkbox"/> Executed Declaration</p> <p>5. Genetic Sequence Submission <i>(if applicable, all must be included)</i></p> <p><input type="checkbox"/> Paper Copy</p> <p><input type="checkbox"/> Computer Readable Copy</p> <p><input type="checkbox"/> Statement Verifying Identical Paper and Computer Readable Copy</p> | <p>6. <input type="checkbox"/> Assignment Papers</p> <p>7. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>8. <input type="checkbox"/> Computer Program in Microfiche</p> <p>9. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>10. <input type="checkbox"/> Information Disclosure Statement/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>11. <input type="checkbox"/> Petition Checklist and Accompanying Petition</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input type="checkbox"/> Proprietary Information</p> <p>14. <input type="checkbox"/> Return Receipt Postcard</p> <p>15. <input type="checkbox"/> Small Entity Statement</p> <p>16. <input type="checkbox"/> Additional Enclosures <i>(please identify below):</i></p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> |                         |  |           |  |      |  |
| <p><b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b></p> <table border="1"> <tr> <td>Firm or Individual name</td> <td></td> </tr> <tr> <td>Signature</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Firm or Individual name |  | Signature |  | Date |  |
| Firm or Individual name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |  |           |  |      |  |
| Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |  |           |  |      |  |
| Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |  |           |  |      |  |

| FOR OFFICIAL USE ONLY |                  |       |                         |                    |  |
|-----------------------|------------------|-------|-------------------------|--------------------|--|
| Application Number    |                  | Class |                         | Independent Claims |  |
| Date of Receipt       | Application Type |       | GAU                     | Total Claims       |  |
|                       | Filing Date      |       | Foreign Filing License? | Drawing Sheets     |  |
|                       | Small Entity     |       | Foreign Address?        | Special Handling?  |  |

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box --> ☐Approved for use through  
PTO/SB/xx (6-95)  
OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0003/PTO  
Rev. 6/95U.S. Department of Commerce  
Patent and Trademark Office**NEW DESIGN PATENT  
APPLICATION TRANSMITTAL**

(to be used for new applications only)

Attorney Docket Number

First Named Inventor

Total Pages in this Submission

**APPLICATION ELEMENTS**

Notice: Checklist items mentioned under **Application Elements** section construct a new design patent application. Please refer to MPEP Section 1500 (37 CFR 1.151, 1.152, 1.153, 1.154) for detailed explanation regarding completeness of an original design application

**ACCOMPANYING APPLICATION PARTS**

1. ☐ Fee Transmittal Form (prescribed filing fee(s))
2. ☐ Specification  
☐ Preamble (Application name, Title of Design)  
☐ Cross References to Related Applications (if applicable)  
☐ Statement Regarding Federally-sponsored Research/Development (if applicable)  
☐ Description of the Figure(s) of the Drawings  
☐ Claim
3. ☐ Drawings  
☐ Photographs
4. ☐ Executed Declaration

5. ☐ Assignment Papers
6. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
7. ☐ English Translation Document (if applicable)
8. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
9. ☐ Petition Checklist and Accompanying Petition
10. ☐ Preliminary Amendment
11. ☐ Proprietary Information
12. ☐ Return Receipt Postcard
13. ☐ Small Entity Statement
14. ☐ Additional Enclosures (please identify below):

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Signature

Date

**FOR OFFICIAL USE ONLY**

|                    |                  |       |                         |                |                   |
|--------------------|------------------|-------|-------------------------|----------------|-------------------|
| Application Number |                  | Class |                         | Drawing Sheets |                   |
| Date of Receipt    | Application Type |       | GAU                     |                | Special Handling? |
|                    | Filing Date      |       | Foreign Filing License? |                |                   |
|                    | Small Entity     |       | Foreign Address?        |                |                   |

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box --> ☐Approved for use through  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCEPTO/SB/xx (6-95)  
OMB 0651-0032

|                                                                                                      |                                                            |                                |  |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------|--|
| 0004/PTO<br>Rev. 6/95                                                                                | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket Number         |  |
| <b>NEW PLANT PATENT<br/>APPLICATION TRANSMITTAL</b><br><i>(to be used for new applications only)</i> |                                                            | First Named Inventor           |  |
|                                                                                                      |                                                            | Total Pages in this Submission |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION ELEMENTS</b><br><i>Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>ACCOMPANYING APPLICATION PARTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1. <input type="checkbox"/> Fee Transmittal Form (prescribed filing fee(s))<br>2. <input type="checkbox"/> Specification<br><input type="checkbox"/> Abstract of the Disclosure<br><input type="checkbox"/> Title of the Invention ( <i>with Plant's name</i> )<br><input type="checkbox"/> Cross References to Related Applications ( <i>if applicable</i> )<br><input type="checkbox"/> Statement Regarding Federally-sponsored Research/Development ( <i>if applicable</i> )<br><input type="checkbox"/> Background of the Invention<br><input type="checkbox"/> Brief Summary of the Invention<br><input type="checkbox"/> Brief Description of the Drawings<br><input type="checkbox"/> Detailed Botanical Description<br><input type="checkbox"/> Claim<br>3. <input type="checkbox"/> Drawing(s) in duplicate ( <i>as prescribed by 35 USC 165</i> )<br>4. <input type="checkbox"/> Executed Declaration<br>5. <input type="checkbox"/> Plant Color Coding Sheet | 6. <input type="checkbox"/> Assignment Papers<br>7. <input type="checkbox"/> Certified Copy of Priority Document(s) ( <i>if foreign priority is claimed</i> )<br>8. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )<br>9. <input type="checkbox"/> Information Disclosure Statement/PTO-1449 <input type="checkbox"/> Copies of IDS Citations<br>10. <input type="checkbox"/> Petition Checklist and Accompanying Petition<br>11. <input type="checkbox"/> Preliminary Amendment<br>12. <input type="checkbox"/> Proprietary Information<br>13. <input type="checkbox"/> Return Receipt Postcard<br>14. <input type="checkbox"/> Small Entity Statement<br>15. <input type="checkbox"/> Additional Enclosures ( <i>please identify below</i> ):<br><div style="border: 1px solid black; height: 50px; width: 100%;"></div> |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Firm<br>or<br>Individual name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| <b>FOR OFFICIAL USE ONLY</b> |                  |  |                         |  |                   |
|------------------------------|------------------|--|-------------------------|--|-------------------|
| Application Number           |                  |  | Class                   |  | Drawing Sheets    |
| Date of Receipt              | Application Type |  | GAU                     |  | Special Handling? |
|                              | Filing Date      |  | Foreign Filing License? |  |                   |
|                              | Small Entity     |  | Foreign Address?        |  |                   |

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Approved for use through OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM. |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| ITEM                                                                                                                                                  | COLOR |
|                                                                                                                                                       |       |

|                    |  |
|--------------------|--|
| COLOR CODE SYSTEM: |  |
|--------------------|--|

**Burden Hour Statement:** This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

Type a plus sign (+) inside this box -> ☐ Approved for use through PTO/SB/ xx (6-95)  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE OMB 0651-0032

|                                                                                                                                                                                                                                                                    |                               |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|
| 0010/PTO<br>Rev. 6/95<br><br>U.S. Department of Commerce<br>Patent and Trademark Office<br><br><b>DECLARATION</b><br><br><input type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing | <b>Attorney Docket Number</b> |  |
|                                                                                                                                                                                                                                                                    | <b>First Named Inventor</b>   |  |
|                                                                                                                                                                                                                                                                    | <b>COMPLETE IF KNOWN</b>      |  |
|                                                                                                                                                                                                                                                                    | <b>Application Number</b>     |  |
|                                                                                                                                                                                                                                                                    | <b>Filing Date</b>            |  |
|                                                                                                                                                                                                                                                                    | <b>Group Art Unit</b>         |  |
|                                                                                                                                                                                                                                                                    | <b>Examiner Name</b>          |  |

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which *(Title of the Invention)*

☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT International

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Copy Attached?           |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto. |
|-----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------|
|                       |                          |                                                                                                                                  |

**Burden Hour Statement:** This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**DECLARATION**

Page 2

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--------------------------------|-------------------|---------------------------------|--------------------------------------|
|                                |                   |                                 |                                      |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Firm Name  Payor Number (if applicable)

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
|      |                     |      |                     |

☐ Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.

☐ Please direct all correspondence to: Name

Address

Address

City  State  ZIP

Country  Telephone  Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:  ☐ A petition has been filed for this unsigned inventor

|            |                      |                |                      |             |                      |        |                      |
|------------|----------------------|----------------|----------------------|-------------|----------------------|--------|----------------------|
| Given Name | <input type="text"/> | Middle Initial | <input type="text"/> | Family Name | <input type="text"/> | Suffix | <input type="text"/> |
|------------|----------------------|----------------|----------------------|-------------|----------------------|--------|----------------------|

Inventor's Signature  Date

RESIDENCE: City  State  Country  Citizenship

POST OFFICE ADDRESS

City  State  Zip  Country  Applicant Authority

☐ Additional inventors are being named on supplemental sheet(s) attached hereto

Type a plus sign (+) inside this box --> ☐

| <b>DECLARATION</b>                                                                                     |  |  |  |  |                |  |  |  |  | <b>ADDITIONAL INVENTOR(S)<br/>Supplemental Sheet</b>                          |  |  |  |  |             |  |  |  |  |                     |  |  |  |
|--------------------------------------------------------------------------------------------------------|--|--|--|--|----------------|--|--|--|--|-------------------------------------------------------------------------------|--|--|--|--|-------------|--|--|--|--|---------------------|--|--|--|
| Name of Additional Joint Inventor, if any: <input type="checkbox"/>                                    |  |  |  |  |                |  |  |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| Given Name                                                                                             |  |  |  |  | Middle Initial |  |  |  |  | Family Name                                                                   |  |  |  |  | Suffix      |  |  |  |  |                     |  |  |  |
| Inventor's Signature                                                                                   |  |  |  |  |                |  |  |  |  | Date                                                                          |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| RESIDENCE: City                                                                                        |  |  |  |  | State          |  |  |  |  | Country                                                                       |  |  |  |  | Citizenship |  |  |  |  |                     |  |  |  |
| POST OFFICE ADDRESS                                                                                    |  |  |  |  |                |  |  |  |  |                                                                               |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| City                                                                                                   |  |  |  |  | State          |  |  |  |  | Zip                                                                           |  |  |  |  | Country     |  |  |  |  | Applicant Authority |  |  |  |
| Name of Additional Joint Inventor, if any: <input type="checkbox"/>                                    |  |  |  |  |                |  |  |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| Given Name                                                                                             |  |  |  |  | Middle Initial |  |  |  |  | Family Name                                                                   |  |  |  |  | Suffix      |  |  |  |  |                     |  |  |  |
| Inventor's Signature                                                                                   |  |  |  |  |                |  |  |  |  | Date                                                                          |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| RESIDENCE: City                                                                                        |  |  |  |  | State          |  |  |  |  | Country                                                                       |  |  |  |  | Citizenship |  |  |  |  |                     |  |  |  |
| POST OFFICE ADDRESS                                                                                    |  |  |  |  |                |  |  |  |  |                                                                               |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| City                                                                                                   |  |  |  |  | State          |  |  |  |  | Zip                                                                           |  |  |  |  | Country     |  |  |  |  | Applicant Authority |  |  |  |
| Name of Additional Joint Inventor, if any: <input type="checkbox"/>                                    |  |  |  |  |                |  |  |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| Given Name                                                                                             |  |  |  |  | Middle Initial |  |  |  |  | Family Name                                                                   |  |  |  |  | Suffix      |  |  |  |  |                     |  |  |  |
| Inventor's Signature                                                                                   |  |  |  |  |                |  |  |  |  | Date                                                                          |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| RESIDENCE: City                                                                                        |  |  |  |  | State          |  |  |  |  | Country                                                                       |  |  |  |  | Citizenship |  |  |  |  |                     |  |  |  |
| POST OFFICE ADDRESS                                                                                    |  |  |  |  |                |  |  |  |  |                                                                               |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| City                                                                                                   |  |  |  |  | State          |  |  |  |  | Zip                                                                           |  |  |  |  | Country     |  |  |  |  | Applicant Authority |  |  |  |
| Name of Additional Joint Inventor, if any: <input type="checkbox"/>                                    |  |  |  |  |                |  |  |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| Given Name                                                                                             |  |  |  |  | Middle Initial |  |  |  |  | Family Name                                                                   |  |  |  |  | Suffix      |  |  |  |  |                     |  |  |  |
| Inventor's Signature                                                                                   |  |  |  |  |                |  |  |  |  | Date                                                                          |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| RESIDENCE: City                                                                                        |  |  |  |  | State          |  |  |  |  | Country                                                                       |  |  |  |  | Citizenship |  |  |  |  |                     |  |  |  |
| POST OFFICE ADDRESS                                                                                    |  |  |  |  |                |  |  |  |  |                                                                               |  |  |  |  |             |  |  |  |  |                     |  |  |  |
| City                                                                                                   |  |  |  |  | State          |  |  |  |  | Zip                                                                           |  |  |  |  | Country     |  |  |  |  | Applicant Authority |  |  |  |
| <input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto |  |  |  |  |                |  |  |  |  |                                                                               |  |  |  |  |             |  |  |  |  |                     |  |  |  |

| <b>DECLARATION</b>                     |                          |                                     | <b>PRIORITY DATA</b><br>(Supplemental Sheet) |                                                   |
|----------------------------------------|--------------------------|-------------------------------------|----------------------------------------------|---------------------------------------------------|
| Additional foreign applications:       |                          |                                     |                                              |                                                   |
| Prior Foreign<br>Application Number(s) | Country                  | Foreign Filing Date<br>(MM/DD/YYYY) | Priority Not Claimed                         | Copy Attached?<br>YES NO                          |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
|                                        |                          |                                     | <input type="checkbox"/>                     | <input type="checkbox"/> <input type="checkbox"/> |
| Additional provisional applications:   |                          |                                     |                                              |                                                   |
| Application Number                     | Filing Date (MM/DD/YYYY) |                                     |                                              |                                                   |
|                                        |                          |                                     |                                              |                                                   |
| Additional U.S. applications:          |                          |                                     |                                              |                                                   |
| U.S. Parent Application<br>Number      | PCT Parent<br>Number     | Parent Filing Date<br>(MM/DD/YYYY)  | Parent Patent Number<br>(if applicable)      |                                                   |
|                                        |                          |                                     |                                              |                                                   |

[illegible]

PTO/SB/ xx (6-95)

OMB 0651-0032

Type a plus sign (+) inside this box -> ☐Approved for use through  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

|                                                                                                                                           |                                                            |                          |  |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------|--|
| 0010/PTO<br>Rev. 6/95                                                                                                                     | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket Number   |  |
| <b>PLANT PATENT<br/>APPLICATION (35 USC §161)<br/>DECLARATION</b>                                                                         |                                                            | First Named Inventor     |  |
|                                                                                                                                           |                                                            | <b>COMPLETE IF KNOWN</b> |  |
|                                                                                                                                           |                                                            | Application Number       |  |
|                                                                                                                                           |                                                            | Filing Date              |  |
|                                                                                                                                           |                                                            | Group Art Unit           |  |
| <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing |                                                            | Examiner Name            |  |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

plant named: 

which is claimed and for which a plant patent is sought,

the specification of which ☐ is attached hereto ☐ was filed on (MM/DD/YYYY)  as United StatesApplication Number or PCT International Application Number  and was amended on(MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I hereby asexually reproduced the plant to which this application applies.

☐ Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Copy Attached?           |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental sheet(s) attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) |                                                                                                                          |
|-----------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------|
|                       |                          | <input type="checkbox"/> Additional provisional application numbers are list on a supplemental sheet(s) attached hereto. |

Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0032), Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

| <b>DECLARATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                            |                                        |                                                                               | Page 2                     |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------|-------------------------------------------------------------------------------|----------------------------|--|
| <p>I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.</p> |                            |                                        |                                                                               |                            |  |
| <b>U.S. Parent Application Number</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>PCT Parent Number</b>   | <b>Parent Filing Date (MM/DD/YYYY)</b> | <b>Parent Patent Number (If applicable)</b>                                   |                            |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |                                        |                                                                               |                            |  |
| <input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental sheet(s) attached hereto:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                            |                                        |                                                                               |                            |  |
| <p>As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                            |                                        |                                                                               |                            |  |
| Firm Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                            |                                        | Payor Number (if applicable)                                                  |                            |  |
| <b>Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Registration Number</b> | <b>Name</b>                            | <b>Registration Number</b>                                                    |                            |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |                                        |                                                                               |                            |  |
| <input type="checkbox"/> Please direct all correspondence to: <b>Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                            |                                        |                                                                               |                            |  |
| <b>Address</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |                                        |                                                                               |                            |  |
| <b>Address</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |                                        |                                                                               |                            |  |
| <b>City</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            | <b>State</b>                           | <b>ZIP</b>                                                                    |                            |  |
| <b>Country</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Telephone</b>           | <b>Fax</b>                             |                                                                               |                            |  |
| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>                                                                                                                                                                                                                                              |                            |                                        |                                                                               |                            |  |
| <b>Name of Sole or First Inventor:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                            |                                        | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                            |  |
| <b>Given Name</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Middle Initial</b>      | <b>Family Name</b>                     | <b>Suffix</b>                                                                 |                            |  |
| <b>Inventor's Signature</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            |                                        |                                                                               | <b>Date</b>                |  |
| <b>RESIDENCE: City</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>State</b>               | <b>Country</b>                         | <b>Citizenship</b>                                                            |                            |  |
| <b>POST OFFICE ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                            |                                        |                                                                               |                            |  |
| <b>City</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>State</b>               | <b>Zip</b>                             | <b>Country</b>                                                                | <b>Applicant Authority</b> |  |
| <input type="checkbox"/> Additional inventors are being named on separately numbered sheets attached hereto.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |                                        |                                                                               |                            |  |



Type a plus sign (+) inside this box --> ☐**DECLARATION**

Additional Inventor(s) Supplemental Sheet

|                                                   |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
|---------------------------------------------------|--|--|--|--|--|-----------------------|--|--|--------------|-------------------------------------------------------------------------------|--|--------------------|--|--|----------------|--|--|----------------|--|--|--------------------|--|--|----------------------------|--|--|--|--|--|
| <b>Name of Additional Joint Inventor, if any:</b> |  |  |  |  |  |                       |  |  |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Given Name</b>                                 |  |  |  |  |  | <b>Middle Initial</b> |  |  |              |                                                                               |  | <b>Family Name</b> |  |  |                |  |  | <b>Suffix</b>  |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Inventor's Signature</b>                       |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  | <b>Date</b>    |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>RESIDENCE: City</b>                            |  |  |  |  |  |                       |  |  | <b>State</b> |                                                                               |  |                    |  |  | <b>Country</b> |  |  |                |  |  | <b>Citizenship</b> |  |  |                            |  |  |  |  |  |
| <b>POST OFFICE ADDRESS</b>                        |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>City</b>                                       |  |  |  |  |  | <b>State</b>          |  |  |              |                                                                               |  | <b>Zip</b>         |  |  |                |  |  | <b>Country</b> |  |  |                    |  |  | <b>Applicant Authority</b> |  |  |  |  |  |

|                                                   |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
|---------------------------------------------------|--|--|--|--|--|-----------------------|--|--|--------------|-------------------------------------------------------------------------------|--|--------------------|--|--|----------------|--|--|----------------|--|--|--------------------|--|--|----------------------------|--|--|--|--|--|
| <b>Name of Additional Joint Inventor, if any:</b> |  |  |  |  |  |                       |  |  |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Given Name</b>                                 |  |  |  |  |  | <b>Middle Initial</b> |  |  |              |                                                                               |  | <b>Family Name</b> |  |  |                |  |  | <b>Suffix</b>  |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Inventor's Signature</b>                       |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  | <b>Date</b>    |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>RESIDENCE: City</b>                            |  |  |  |  |  |                       |  |  | <b>State</b> |                                                                               |  |                    |  |  | <b>Country</b> |  |  |                |  |  | <b>Citizenship</b> |  |  |                            |  |  |  |  |  |
| <b>POST OFFICE ADDRESS</b>                        |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>City</b>                                       |  |  |  |  |  | <b>State</b>          |  |  |              |                                                                               |  | <b>Zip</b>         |  |  |                |  |  | <b>Country</b> |  |  |                    |  |  | <b>Applicant Authority</b> |  |  |  |  |  |

|                                                   |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
|---------------------------------------------------|--|--|--|--|--|-----------------------|--|--|--------------|-------------------------------------------------------------------------------|--|--------------------|--|--|----------------|--|--|----------------|--|--|--------------------|--|--|----------------------------|--|--|--|--|--|
| <b>Name of Additional Joint Inventor, if any:</b> |  |  |  |  |  |                       |  |  |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Given Name</b>                                 |  |  |  |  |  | <b>Middle Initial</b> |  |  |              |                                                                               |  | <b>Family Name</b> |  |  |                |  |  | <b>Suffix</b>  |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Inventor's Signature</b>                       |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  | <b>Date</b>    |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>RESIDENCE: City</b>                            |  |  |  |  |  |                       |  |  | <b>State</b> |                                                                               |  |                    |  |  | <b>Country</b> |  |  |                |  |  | <b>Citizenship</b> |  |  |                            |  |  |  |  |  |
| <b>POST OFFICE ADDRESS</b>                        |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>City</b>                                       |  |  |  |  |  | <b>State</b>          |  |  |              |                                                                               |  | <b>Zip</b>         |  |  |                |  |  | <b>Country</b> |  |  |                    |  |  | <b>Applicant Authority</b> |  |  |  |  |  |

|                                                   |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
|---------------------------------------------------|--|--|--|--|--|-----------------------|--|--|--------------|-------------------------------------------------------------------------------|--|--------------------|--|--|----------------|--|--|----------------|--|--|--------------------|--|--|----------------------------|--|--|--|--|--|
| <b>Name of Additional Joint Inventor, if any:</b> |  |  |  |  |  |                       |  |  |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Given Name</b>                                 |  |  |  |  |  | <b>Middle Initial</b> |  |  |              |                                                                               |  | <b>Family Name</b> |  |  |                |  |  | <b>Suffix</b>  |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Inventor's Signature</b>                       |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  | <b>Date</b>    |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>RESIDENCE: City</b>                            |  |  |  |  |  |                       |  |  | <b>State</b> |                                                                               |  |                    |  |  | <b>Country</b> |  |  |                |  |  | <b>Citizenship</b> |  |  |                            |  |  |  |  |  |
| <b>POST OFFICE ADDRESS</b>                        |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>City</b>                                       |  |  |  |  |  | <b>State</b>          |  |  |              |                                                                               |  | <b>Zip</b>         |  |  |                |  |  | <b>Country</b> |  |  |                    |  |  | <b>Applicant Authority</b> |  |  |  |  |  |

|                                                   |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
|---------------------------------------------------|--|--|--|--|--|-----------------------|--|--|--------------|-------------------------------------------------------------------------------|--|--------------------|--|--|----------------|--|--|----------------|--|--|--------------------|--|--|----------------------------|--|--|--|--|--|
| <b>Name of Additional Joint Inventor, if any:</b> |  |  |  |  |  |                       |  |  |              | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Given Name</b>                                 |  |  |  |  |  | <b>Middle Initial</b> |  |  |              |                                                                               |  | <b>Family Name</b> |  |  |                |  |  | <b>Suffix</b>  |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>Inventor's Signature</b>                       |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  | <b>Date</b>    |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>RESIDENCE: City</b>                            |  |  |  |  |  |                       |  |  | <b>State</b> |                                                                               |  |                    |  |  | <b>Country</b> |  |  |                |  |  | <b>Citizenship</b> |  |  |                            |  |  |  |  |  |
| <b>POST OFFICE ADDRESS</b>                        |  |  |  |  |  |                       |  |  |              |                                                                               |  |                    |  |  |                |  |  |                |  |  |                    |  |  |                            |  |  |  |  |  |
| <b>City</b>                                       |  |  |  |  |  | <b>State</b>          |  |  |              |                                                                               |  | <b>Zip</b>         |  |  |                |  |  | <b>Country</b> |  |  |                    |  |  | <b>Applicant Authority</b> |  |  |  |  |  |

☐ Additional inventors are being named on separately numbered sheets attached hereto

## SUPPLEMENTAL PRIORITY SHEET

## Additional foreign applications:

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority Not Claimed     | Copy Attached?           |                          |
|----------------------------------------|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                        |         |                                     |                          | YES                      | NO                       |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                        |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## Additional provisional applications:

| Application Number | Filing Date (MM/DD/YYYY) |
|--------------------|--------------------------|
|                    |                          |

## Additional U.S. applications:

| U.S. Parent Application<br>Number | PCT Parent<br>Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|-----------------------------------|----------------------|------------------------------------|-----------------------------------------|
|                                   |                      |                                    |                                         |

## APPENDIX B—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS

| 37 CFR sec. | Description                                                   | Pre-Oct<br>1995 | Oct 1995 | Jan 1996 |
|-------------|---------------------------------------------------------------|-----------------|----------|----------|
| 1.16(a)     | Basic Filing Fee                                              | \$730           | \$750    | \$780    |
| 1.16(a)     | Basic Filing Fee (Small Entity)                               | 365             | 375      | 390      |
| 1.16(b)     | Independent Claims                                            | 76              | 78       | —        |
| 1.16(b)     | Independent Claims (Small Entity)                             | 38              | 39       | —        |
| 1.16(c)     | Claims in Excess of 20                                        | 22              | —        | —        |
| 1.16(c)     | Claims in Excess of 20 (Small Entity)                         | 11              | —        | —        |
| 1.16(d)     | Multiple Dependent Claims                                     | 240             | 250      | —        |
| 1.16(d)     | Multiple Dependent Claims (Small Entity)                      | 120             | 125      | —        |
| 1.16(e)     | Surcharge—Late Filing Fee                                     | 130             | —        | —        |
| 1.16(e)     | Surcharge—Late Filing Fee (Small Entity)                      | 65              | —        | —        |
| 1.16(f)     | Design Filing Fee                                             | 300             | 310      | —        |
| 1.16(f)     | Design Filing Fee (Small Entity)                              | 150             | 155      | —        |
| 1.16(g)     | Plant Filing Fee                                              | 490             | 510      | 540      |
| 1.16(g)     | Plant Filing Fee (Small Entity)                               | 245             | 255      | 270      |
| 1.16(h)     | Reissue Filing Fee                                            | 730             | 750      | 780      |
| 1.16(h)     | Reissue Filing Fee (Small Entity)                             | 365             | 375      | 390      |
| 1.16(i)     | Reissue Independent Claims                                    | 76              | 78       | —        |
| 1.16(i)     | Reissue Independent Claims (Small Entity)                     | 38              | 39       | —        |
| 1.16(j)     | Reissue Claims in Excess of 20                                | 22              | —        | —        |
| 1.16(j)     | Reissue Claims in Excess of 20 (Small Entity)                 | 11              | —        | —        |
| 1.16(k)     | Provisional Application Filing Fee                            | 150             | —        | —        |
| 1.16(k)     | Provisional Application Filing Fee (Small Entity)             | 75              | —        | —        |
| 1.16(l)     | Surcharge—Incomplete Provisional App. Filed                   | 50              | —        | —        |
| 1.16(l)     | Surcharge—Incomplete Provisional App. Filed (Small Entity)    | 25              | —        | —        |
| 1.17(a)     | Extension—First Month                                         | 110             | —        | —        |
| 1.17(a)     | Extension—First Month (Small Entity)                          | 55              | —        | —        |
| 1.17(b)     | Extension—Second Month                                        | 370             | 380      | —        |
| 1.17(b)     | Extension—Second Month (Small Entity)                         | 185             | 190      | —        |
| 1.17(c)     | Extension—Third Month                                         | 870             | 900      | —        |
| 1.17(c)     | Extension—Third Month (Small Entity)                          | 435             | 450      | —        |
| 1.17(d)     | Extension—Fourth Month                                        | 1,360           | 1,400    | —        |
| 1.17(d)     | Extension—Fourth Month (Small Entity)                         | 680             | 700      | —        |
| 1.17(e)     | Notice of Appeal                                              | 280             | 290      | —        |
| 1.17(e)     | Notice of Appeal (Small Entity)                               | 140             | 145      | —        |
| 1.17(f)     | Filing a Brief                                                | 280             | 290      | —        |
| 1.17(f)     | Filing a Brief (Small Entity)                                 | 140             | 145      | —        |
| 1.17(g)     | Request for Oral Hearing                                      | 240             | 250      | —        |
| 1.17(g)     | Request for Oral Hearing (Small Entity)                       | 120             | 125      | —        |
| 1.17(h)     | Petition—Not All Inventors                                    | 130             | —        | —        |
| 1.17(h)     | Petition—Correction of Inventorship                           | 130             | —        | —        |
| 1.17(h)     | Petition—Decision on Questions                                | 130             | —        | —        |
| 1.17(h)     | Petition—Suspend Rules                                        | 130             | —        | —        |
| 1.17(h)     | Petition—Expedited License                                    | 130             | —        | —        |
| 1.17(h)     | Petition—Scope of License                                     | 130             | —        | —        |
| 1.17(h)     | Petition—Retroactive License                                  | 130             | —        | —        |
| 1.17(h)     | Petition—Refusing Maintenance Fee                             | 130             | —        | —        |
| 1.17(h)     | Petition—Refusing Maintenance Fee—Expired Patent              | 130             | —        | —        |
| 1.17(h)     | Petition—Interference                                         | 130             | —        | —        |
| 1.17(h)     | Petition—Reconsider Interference                              | 130             | —        | —        |
| 1.17(h)     | Petition—Late Filing of Interference                          | 130             | —        | —        |
| 1.20(b)     | Petition—Correction of Inventorship                           | 130             | —        | —        |
| 1.17(h)     | Petition—Refusal to Publish SIR                               | 130             | —        | —        |
| 1.17(i)     | Petition—For Assignment                                       | 130             | —        | —        |
| 1.17(i)     | Petition—For Application                                      | 130             | —        | —        |
| 1.17(i)     | Petition—Late Priority Papers                                 | 130             | —        | —        |
| 1.17(i)     | Petition—Suspend Action                                       | 130             | —        | —        |
| 1.17(i)     | Petition—Divisional Reissues to Issue Separately              | 130             | —        | —        |
| 1.17(i)     | Petition—For Interference Agreement                           | 130             | —        | —        |
| 1.17(i)     | Petition—Amendment After Issue                                | 130             | —        | —        |
| 1.17(i)     | Petition—Withdrawal After Issue                               | 130             | —        | —        |
| 1.17(i)     | Petition—Defer Issue                                          | 130             | —        | —        |
| 1.17(i)     | Petition—Issue to Assignee                                    | 130             | —        | —        |
| 1.17(i)     | Petition—Accord a Filing Date Under § 1.53                    | 130             | —        | —        |
| 1.17(i)     | Petition—Accord a Filing Date Under § 1.62                    | 130             | —        | —        |
| 1.17(i)     | Petition—Make Application Special                             | 130             | —        | —        |
| 1.17(j)     | Petition—Public Use Proceeding                                | 1,390           | 1,430    | —        |
| 1.17(k)     | Non-English Specification                                     | 130             | —        | —        |
| 1.17(l)     | Petition—Revive Abandoned Application                         | 110             | —        | —        |
| 1.17(l)     | Petition—Revive Abandoned Application (Small Entity)          | 55              | —        | —        |
| 1.17(m)     | Petition—Revive Unintentionally Abandoned Application         | 1,210           | 1,250    | —        |
| 1.17(m)     | Petition—Revive Unintent Abandoned Application (Small Entity) | 605             | 625      | —        |

## APPENDIX B—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

| 37 CFR sec.     | Description                                                                         | Pre-Oct<br>1995 | Oct 1995 | Jan 1996 |
|-----------------|-------------------------------------------------------------------------------------|-----------------|----------|----------|
| 1.17(n)         | SIR—Prior to Examiner's Action                                                      | 840             | 870      | —        |
| 1.17(o)         | SIR—After Examiner's Action                                                         | 1,690           | 1,740    | —        |
| 1.17(p)         | Submission of an Information Disclosure Statement (§ 1.97)                          | 210             | 220      | —        |
| 1.17(q)         | Petition—Correction of Inventorship (Provisional Application)                       | 50              | —        | —        |
| 1.17(q)         | Petition—Accord a filing date (Prov. App.)                                          | 50              | —        | —        |
| 1.17(r)         | Filing a submission after final rejection (1.129(a))                                | 730             | 750      | —        |
| 1.17(r)         | Filing a submission after final rejection (1.129(a)) (Small Entity)                 | 365             | 375      | —        |
| 1.17(s)         | Per add'l invention to be examined (1.129(b))                                       | 730             | 750      | —        |
| 1.17(s)         | Per add'l invention to be examined (1.129(b)) (Small Entity)                        | 365             | 375      | —        |
| 1.17(t)         | For filing a protest in an application after publication (1.291)                    | —               | —        | 220      |
| 1.17(u)         | Acceptance of a late claim for priority (119(a)–(d))                                | —               | —        | 1,500    |
| 1.17(u)         | Acceptance of a late claim for benefit of prior application (119(e))                | —               | —        | 1,500    |
| 1.18(a)         | Issue Fee                                                                           | 1,210           | 1,250    | 1,280    |
| 1.18(a)         | Issue Fee (Small Entity)                                                            | 605             | 625      | 640      |
| 1.18(b)         | Design Issue Fee                                                                    | 420             | 430      | —        |
| 1.18(b)         | Design Issue Fee (Small Entity)                                                     | 210             | 215      | —        |
| 1.18(c)         | Plant Issue Fee                                                                     | 610             | 630      | 660      |
| 1.18(c)         | Plant Issue Fee (Small Entity)                                                      | 305             | 315      | 330      |
| 1.19(a)(1)(i)   | Copy of Patent                                                                      | 3               | —        | —        |
| 1.19(a)(1)(ii)  | Patent Copy—Overnight delivery to PTO Box or overnight fax                          | 6               | —        | —        |
| 1.19(a)(1)(iii) | Patent Copy Ordered by Expedited Mail or Fax—Expedited service                      | 25              | —        | —        |
| 1.19(a)(2)      | Plant Patent Copy                                                                   | 12              | —        | —        |
| 1.19(a)(3)(i)   | Copy of Utility Patent or SIR in Color                                              | 24              | —        | —        |
| 1.19(a)(4)      | Copy of a technical contents publication                                            | —               | —        | 9        |
| 1.19(b)(1)(i)   | Certified Copy of Patent Application as Filed                                       | 12              | 15       | —        |
| 1.19(b)(1)(ii)  | Certified Copy of Patent Application as Filed, Expedited                            | 24              | 30       | —        |
| 1.19(b)(2)      | Certified or Uncertified Copy of pub. app. or patent-related file wrapper.          | 150             | —        | —        |
| 1.19(b)(3)      | Cert. or Uncert. Copies of Office Records, per Document                             | 25              | —        | —        |
| 1.19(b)(4)(i)   | Certified or uncertified copy of first doc. contained in pending application.       | —               | —        | 75       |
| 1.19(b)(4)(ii)  | Certified or uncertified copy of second and subsequent doc. in pending application. | —               | —        | 25       |
| 1.19(b)(5)      | For Assignment Records, Abstract of Title and Certification                         | 25              | —        | —        |
| 1.19(c)         | Library Service                                                                     | 50              | —        | —        |
| 1.19(d)         | List of Patents and Published Applications in Subclass                              | 3               | —        | —        |
| 1.19(e)         | Uncertified Statement-Status of Maintenance Fee Payment                             | 10              | —        | —        |
| 1.19(f)         | Copy of Non-U.S. Patent Document                                                    | 25              | —        | —        |
| 1.19(g)         | Comparing and Certifying Copies, Per Document, Per Copy                             | 25              | —        | —        |
| 1.19(h)         | Duplicate or Corrected Filing Receipt                                               | 25              | —        | —        |
| 1.20(a)         | Certificate of Correction                                                           | 100             | —        | —        |
| 1.20(c)         | Reexamination                                                                       | 2,320           | 2,390    | —        |
| 1.20(d)         | Statutory Disclaimer                                                                | 110             | —        | —        |
| 1.20(d)         | Statutory Disclaimer (Small Entity)                                                 | 55              | —        | —        |
| 1.20(e)         | Maintenance Fee—3.5 Years                                                           | 960             | 990      | 1,020    |
| 1.20(e)         | Maintenance Fee—3.5 Years (Small Entity)                                            | 480             | 495      | 510      |
| 1.20(f)         | Maintenance Fee—7.5 Years                                                           | 1,930           | 1,990    | 2,020    |
| 1.20(f)         | Maintenance Fee—7.5 Years (Small Entity)                                            | 965             | 995      | 1,010    |
| 1.20(g)         | Maintenance Fee—11.5 Years                                                          | 2,900           | 2,990    | 3,020    |
| 1.20(g)         | Maintenance Fee—11.5 Years (Small Entity)                                           | 1,450           | 1,495    | 1,510    |
| 1.20(h)         | Surcharge—Maintenance Fee—6 Months                                                  | 130             | —        | —        |
| 1.20(h)         | Surcharge—Maintenance Fee—6 Months (Small Entity)                                   | 65              | —        | —        |
| 1.20(i)(1)      | Surcharge—Maintenance After Expiration—Unavoidable                                  | 640             | 660      | —        |
| 1.20(i)(2)      | Surcharge—Maintenance After Expiration—Unintentional                                | 1,500           | 1,550    | —        |
| 1.20(j)         | Extension of Term of Patent                                                         | 1,030           | 1,060    | —        |
| 1.21(a)(1)      | Admission to Examination                                                            | 300             | 310      | —        |
| 1.21(a)(2)      | Registration to Practice                                                            | 100             | —        | —        |
| 1.21(a)(3)      | Reinstatement to Practice                                                           | 15              | —        | —        |
| 1.21(a)(4)      | Certificate of Good Standing                                                        | 10              | —        | —        |
| 1.21(a)(4)      | Certificate of Good Standing, Suitable Framing                                      | 20              | —        | —        |
| 1.21(a)(5)      | Review of Decision of Director, OED                                                 | 130             | —        | —        |
| 1.21(a)(6)      | Regrading of Examination                                                            | 130             | —        | —        |
| 1.21(b)(1)      | Establish Deposit Account                                                           | 10              | —        | —        |
| 1.21(b)(2)      | Service Charge Below Minimum Balance                                                | 25              | —        | —        |
| 1.21(b)(3)      | Service Charge Below Minimum Balance                                                | 25              | —        | —        |
| 1.21(c)         | Filing a Disclosure Document                                                        | 10              | —        | —        |
| 1.21(d)         | Box Rental                                                                          | 50              | —        | —        |
| 1.21(e)         | International Type Search Report                                                    | 40              | —        | —        |
| 1.21(g)         | Self-Service Copy Charge                                                            | 25              | —        | —        |
| 1.21(h)         | Recording Patent Property                                                           | 40              | —        | —        |
| 1.21(i)         | Publication in the OG                                                               | 25              | —        | —        |

## APPENDIX B—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

| 37 CFR sec.     | Description                                                   | Pre-Oct<br>1995 | Oct 1995 | Jan 1996 |
|-----------------|---------------------------------------------------------------|-----------------|----------|----------|
| 1.21(j)         | Labor Charges for Services                                    | 30              | —        | —        |
| 1.21(k)         | Unspecified Other Services                                    | (1)             | —        | —        |
| 1.21(k)         | Terminal Use APS-CSIR (per hour)                              | 50              | —        | —        |
| 1.21(m)         | Processing Returned Checks                                    | 50              | —        | —        |
| 1.21(n)         | Handling Fee—Incomplete Application                           | 130             | —        | —        |
| 1.21(o)         | Terminal Use APS-TEXT                                         | 40              | —        | —        |
| 1.24            | Coupons for Patent and Trademark Copies                       | 3               | —        | —        |
| 1.296           | Handling Fee—Withdrawal SIR                                   | 130             | —        | —        |
| 1.445(a)(1)     | Transmittal Fee                                               | 210             | 220      | —        |
| 1.445(a)(2)(i)  | PCT Search Fee—No U.S. Application                            | 640             | 660      | —        |
| 1.445(a)(2)(ii) | PCT Search Fee—Prior U.S. Application                         | 420             | 430      | —        |
| 1.445(a)(3)     | Supplemental Search                                           | 180             | 190      | —        |
| 1.482(a)(1)(i)  | Preliminary Exam Fee                                          | 460             | 470      | —        |
| 1.482(a)(1)(ii) | Preliminary Exam Fee                                          | 690             | 710      | —        |
| 1.482(a)(2)(i)  | Additional Invention                                          | 140             | —        | —        |
| 1.482(a)(2)(ii) | Additional Invention                                          | 240             | 250      | —        |
| 1.492(a)(1)     | Preliminary Examining Authority                               | 660             | 680      | 710      |
| 1.492(a)(1)     | Preliminary Examining Authority (Small Entity)                | 330             | 340      | 355      |
| 1.492(a)(2)     | Searching Authority                                           | 730             | 750      | 780      |
| 1.492(a)(2)     | Searching Authority (Small Entity)                            | 365             | 375      | 390      |
| 1.492(a)(3)     | PTO Not ISA nor IPEA                                          | 980             | 1,010    | 1,040    |
| 1.492(a)(3)     | PTO Not ISA nor IPEA (Small Entity)                           | 490             | 505      | 520      |
| 1.492(a)(4)     | Claims—IPEA                                                   | 92              | 94       | 120      |
| 1.492(a)(4)     | Claims—IPEA (Small Entity)                                    | 46              | 47       | 60       |
| 1.492(a)(5)     | Filing with EPO/JPO Search Report                             | 850             | 880      | 910      |
| 1.492(a)(5)     | Filing with EPO/JPO Search Report (Small Entity)              | 425             | 440      | 455      |
| 1.492(b)        | Claims—Extra Independent (Over 3)                             | 76              | 78       | —        |
| 1.492(b)        | Claims—Extra Independent (Over 3) (Small Entity)              | 38              | 39       | —        |
| 1.492(c)        | Claims—Extra Total (Over 20)                                  | 22              | —        | —        |
| 1.492(c)        | Claims—Extra Total (Over 20) (Small Entity)                   | 11              | —        | —        |
| 1.492(d)        | Claims—Multiple Dependents                                    | 240             | 250      | —        |
| 1.492(d)        | Claims—Multiple Dependents (Small Entity)                     | 120             | 125      | —        |
| 1.492(e)        | Surcharge                                                     | 130             | —        | —        |
| 1.492(e)        | Surcharge (Small Entity)                                      | 65              | —        | —        |
| 1.492(f)        | English Translation—After 20 Months                           | 130             | —        | —        |
| 2.6(a)(1)       | Application for Registration, Per Class                       | 245             | —        | —        |
| 2.6(a)(2)       | Amendment to Allege Use, Per Class                            | 100             | —        | —        |
| 2.6(a)(3)       | Statement of Use, Per Class                                   | 100             | —        | —        |
| 2.6(a)(4)       | Extension for Filing Statement of Use, Per Class              | 100             | —        | —        |
| 2.6(a)(5)       | Application for Renewal, Per Class                            | 300             | —        | —        |
| 2.6(a)(6)       | Surcharge for Late Renewal, Per Class                         | 100             | —        | —        |
| 2.6(a)(7)       | Publication of Mark Under § 12(c), Per Class                  | 100             | —        | —        |
| 2.6(a)(8)       | Issuing New Certificate of Registration                       | 100             | —        | —        |
| 2.6(a)(9)       | Certificate of Correction of Registrant's Error               | 100             | —        | —        |
| 2.6(a)(10)      | Filing Disclaimer to Registration                             | 100             | —        | —        |
| 2.6(a)(11)      | Filing Amendment to Registration                              | 100             | —        | —        |
| 2.6(a)(12)      | Filing Affidavit Under Section 8, Per Class                   | 100             | —        | —        |
| 2.6(a)(13)      | Filing Affidavit Under Section 15, Per Class                  | 100             | —        | —        |
| 2.6(a)(14)      | Filing Affidavit Under Sections 8 & 15, Per Class             | 200             | —        | —        |
| 2.6(a)(15)      | Petitions to the Commissioner                                 | 100             | —        | —        |
| 2.6(a)(16)      | Petition to Cancel, Per Class                                 | 200             | —        | —        |
| 2.6(a)(17)      | Notice of Opposition, Per Class                               | 200             | —        | —        |
| 2.6(a)(18)      | Ex Parte Appeal to the TTAB, Per Class                        | 100             | —        | —        |
| 2.6(a)(19)      | Dividing an Application, Per New Application Created          | 100             | —        | —        |
| 2.6(b)(1)(i)    | Copy of Registered Mark                                       | 3               | —        | —        |
| 2.6(b)(1)(ii)   | Copy of Registered Mark, overnight delivery to PTO box or fax | 6               | —        | —        |
| 2.6(b)(1)(iii)  | Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc.     | 25              | —        | —        |
| 2.6(b)(2)(i)    | Certified Copy of TM Application as Filed                     | 12              | 15       | —        |
| 2.6(b)(2)(ii)   | Certified Copy of TM Application as Filed, Expedited          | 24              | 30       | —        |
| 2.6(b)(3)       | Cert. or Uncert. Copy of TM-Related File Wrapper/Contents     | 50              | —        | —        |
| 2.6(b)(4)(i)    | Cert. Copy of Registered Mark, Title or Status                | 10              | —        | —        |
| 2.6(b)(4)(ii)   | Cert. Copy of Registered Mark, Title or Status—Expedited      | 20              | —        | —        |
| 2.6(b)(5)       | Certified or Uncertified Copy of TM Records                   | 25              | —        | —        |
| 2.6(b)(6)       | Recording Trademark Property, Per Mark, Per Document          | 40              | —        | —        |
| 2.6(b)(6)       | For Second and Subsequent Marks in Same Document              | 25              | —        | —        |
| 2.6(b)(7)       | For Assignment Records, Abstracts of Title and Cert.          | 25              | —        | —        |
| 2.6(b)(8)       | Terminal Use X-SEARCH                                         | 40              | —        | —        |

## APPENDIX B—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

| 37 CFR sec.      | Description                      | Pre-Oct<br>1995  | Oct 1995 | Jan 1996 |
|------------------|----------------------------------|------------------|----------|----------|
| 2.6(b)(9) .....  | Self-Service Copy Charge .....   | 0.25             | —        | —        |
| 2.6(b)(10) ..... | Labor Charges for Services ..... | 30               | —        | —        |
| 2.6(b)(11) ..... | Unspecified Other Services ..... | ( <sup>1</sup> ) | —        | —        |

<sup>1</sup> Actual cost.

[FR Doc. 95-18886 Filed 8-14-95; 8:45 am]

BILLING CODE 3510-16-P

Final Rule

---

Tuesday  
August 15, 1995

---

## Part VI

# Department of Education

---

34 CFR Part 668  
Student Assistance General Provisions;  
Final Rule

**DEPARTMENT OF EDUCATION****34 CFR Part 668**

RIN 1840-AB80, 1840-AB85 and 1840-AC09

**Student Assistance General Provisions****AGENCY:** Department of Education.**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Student Assistance General Provisions to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. Those sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved, and therefore affected parties must comply with them.

**EFFECTIVE DATE:** These regulations are effective on August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Leibovitz, U.S. Department of Education, 600 Independence Avenue SW., (Room 3045, ROB-3), Washington, D.C. 20202. Telephone: (202) 708-7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Final regulations for the Student Assistance General Provisions; Federal Family Education Loan Programs were published in the **Federal Register** on November 29, 1994 at (59 FR 61142) and the Student Assistance General Provisions at (59 FR 61192). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1980. OMB approved the information collection requirements in the regulations on January 26, 1995.

**Waiver of Proposed Rulemaking**

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers simply shows that OMB has approved the paperwork collection requirements that correspond to the above-referenced regulations, and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on this technical amendment to the regulations is unnecessary and contrary to the public interest.

**List of Subjects in 34 CFR Part 668**

Administrative practice and procedure, Colleges and universities,

Consumer protection, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: August 9, 1995.

**David A. Longanecker,**  
*Assistant Secretary for Postsecondary Education.*

The Secretary amends Part 668 of Title 34 of the Code of Federal Regulations as follows:

**PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS**

1. The authority citation for Part 668 continues to read as follows:

**Authority:** 20 U.S.C. 1085, 1088, 1091, 1092, 1094, 1099c, and 1141 unless otherwise noted.

**§§ 668.3, 668.8, 668.15, 668.16, 668.17, 668.22, 668.23 [Amended]**

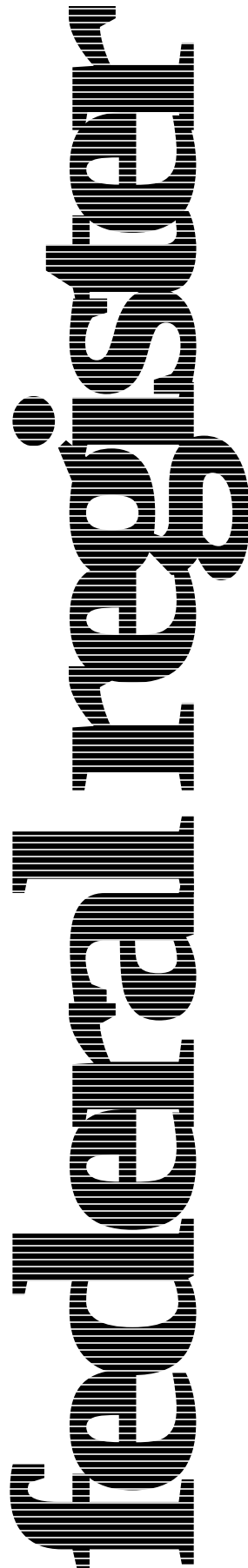
2. Sections 668.3, 668.8, 668.15, 668.16, 668.17, 668.22, and 668.23, are amended by adding the OMB control number following each section to read as follows:

(Approved by the Office of Management and Budget under control number 1840-0537)

[FR Doc. 95-20055 Filed 8-14-95; 8:45 am]

**BILLING CODE 4000-01-M**





---

Tuesday  
August 15, 1995

---

**Part VII**

**Federal Reserve  
System**

---

**Federal Reserve Bank Services; Notices**

FEDERAL RESERVE SYSTEM

[Docket No. R-0866]

Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.  
ACTION: Notice.

**SUMMARY:** The Board has approved a firm closing time of 3:15 p.m. Eastern Time (ET) for transfer originations and 3:30 p.m. ET for reversals for the Fedwire book-entry securities transfer system. Periodic extensions of this closing time may be granted only in response to significant operating problems at a major bank or dealer or to prevent market disruption. The Board also has authorized the Reserve Banks to continue to close the Fedwire securities transfer service earlier than the scheduled closing time on certain days when the U.S. government and mortgage securities markets observe partial-day or full-day holiday operations. The Board believes that the new schedule will benefit market participants by reducing uncertainty about the final closing time of the system, thus enabling participants to manage resources more effectively and control costs with greater certainty than today.

**EFFECTIVE DATE:** January 2, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Louise L. Roseman, Associate Director (202/452-2789), Gayle Brett, Manager (202/452-2934), or Lisa Hoskins, Project Leader (202/452-3437), Division of Reserve Bank Operations and Payment Systems, Board of Governors of the Federal Reserve System. For the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452-3544).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In January 1995, the Board issued for comment a proposal to establish a firm closing time of 3:00 p.m. ET<sup>1</sup> for Fedwire book-entry securities transfer originations and 3:30 p.m. ET for reversals, beginning in January 1996 (60 FR 123, January 3, 1995).<sup>2</sup> The Board also requested comments on the potential benefits, costs, and market implications of opening the on-line Fedwire book-entry securities transfer

service earlier in the day and on new service capabilities that would give depository institutions the option of participating in the Fedwire securities transfer system during earlier hours. In addition, the Board requested comment on new service capabilities that would allow depository institutions to control their use of intraday credit during expanded and/or core business hours.

The Board's action at this time is limited to establishing a firm closing time for the Fedwire securities transfer service. The Board is continuing to evaluate comments received on the potential benefits, costs, and market implications of an earlier opening of the on-line securities transfer service and potential new service capabilities.

Thirty-six commenters responded to the Board's proposal. About 60 percent of the commenters were commercial banks or bank holding companies, including banks that provide government securities clearing and settlement services to dealers and other firms. The following table identifies the number of commenters by type of organization:

|                                               |    |
|-----------------------------------------------|----|
| Commercial Banking Organizations <sup>3</sup> | 21 |
| Credit Unions .....                           | 2  |
| Broker/Dealers <sup>4</sup> .....             | 2  |
| Clearing House Associations .....             | 2  |
| Clearing Organization .....                   | 1  |
| Trade Associations .....                      | 3  |
| Federal Home Loan Banks .....                 | 2  |
| Federal Reserve Banks .....                   | 2  |
| State Government .....                        | 1  |
| Total public comments .....                   | 36 |

Thirty-one commenters addressed the issue of a firm closing time for the book-entry securities service. The major topics discussed by these commenters include: (1) benefits of a firm closing time; (2) selection of an appropriate closing time; and (3) extensions of the scheduled closing time. The following discussion provides a summary of the comments received and the Board's analysis of the issues raised.

**II. Benefits of Firm Closing Time**

Thirty commenters supported the establishment of a firm closing time for the Fedwire book-entry securities transfer service. Almost half of these commenters stated specifically that a firm closing time would reduce uncertainty about the final close and allow them to better plan staffing and other resource needs, thus improving their ability to control costs. In addition, Aubrey Lanston & Co. noted that "a firm

closing time would complement advances that have been made in the last year to reduce daylight overdraft charges, thus benefitting market participants with little additional costs."

Roughly one-third of the commenters addressing the concept of a firm closing time expressed support for the concept if the Federal Reserve Banks would exercise flexibility in granting "emergency" extensions. A few commenters believed that the current practice of granting frequent extensions is adequate for their processing and planning needs.

Market participants have made significant operational improvements over the last ten years, including increased reliability and processing capability of their automated systems, that have affected average daily volume patterns. In addition, a number of initiatives implemented by the Federal Reserve Banks and market participants have altered the intraday pattern of Fedwire securities transfers.<sup>5</sup> For example, prior to the implementation of daylight overdraft fees in April 1994, about 20 percent of the value of securities transfers on Fedwire was processed by 10:00 a.m., 40 percent by noon, and 75 percent by 2:00 p.m. Since January 1995, roughly 36 percent of the value of securities transfers on Fedwire was processed by 10:00 a.m., 65 percent by noon and 92 percent by 2:00 p.m. Over the last ten years, the average actual closing time of the Fedwire securities transfer system has moved from 5:30 p.m. to 3:15 p.m.

The Board believes that a firm closing time for the Fedwire securities transfer service would allow market participants and the Federal Reserve Banks to manage resources more effectively and control costs with greater certainty than today. A firm closing time that accommodates the large majority of actual current closing times will reduce the frequency and duration of extensions and thus provide increased certainty with respect to the final closing time.

**III. Selection of Appropriate Closing Time**

Twenty-five commenters supported the proposed closing time of 3:00/3:30 p.m. Eleven commenters noted that establishing a closing time that is later

<sup>1</sup> All times are Eastern Time. For ease of reference throughout this document, the closing time may be identified as 3:00/3:30 p.m., for example.

<sup>2</sup> Currently, the Fedwire book-entry securities transfer service has a published closing time of 2:30 p.m. for transfer originations and 3:00 p.m. for reversals. Some Reserve Banks permit the movement of securities within a participant's account (also called repositioning) after the close of the reversal period.

<sup>3</sup> Banks, bank holding companies, and operating subsidiaries of banks or bank holding companies.

<sup>4</sup> Entities extensively involved in trading book-entry U.S. government or federal agency securities.

<sup>5</sup> Specific initiatives include: a \$50 million maximum transaction limit for Fedwire book-entry securities transfers; Public Securities Association's "good delivery guidelines" designed to encourage earlier-in-the-day settlement of large securities deliveries; and the assessment of fees for daylight overdrafts incurred in accounts held at the Federal Reserve.

than the current published closing time of 2:30/3:00 p.m. will provide extra processing time for securities transfers, which may be useful for some participants. Two commenters noted that the extra time would relieve some of the pressure of acting upon late instructions for outright sales and repo collateral activity and would facilitate a smooth daily transition from securities to cash processing. One commenter suggested that expanding the closing time in this manner would relieve industry bottlenecks on heavy settlement days and help prevent "fails"<sup>6</sup> on numerous occasions.

Seven commenters believed there would be no benefit to changing the current closing time of 2:30/3:00 p.m. These commenters stated that the current schedule is adequate for their processing needs and should not be changed. For example, the Public Securities Association (PSA) noted that the current closing time provides sufficient certainty to the market for participants to plan for staffing and other needs. In addition, while Chemical Bank stated that it did not oppose a 3:00/3:30 p.m. closing time, it indicated that it has been able to process successfully its two highest volume days on record within the current 2:30 p.m. closing time for securities transfer originations. Chemical Bank stated that there is no need to change the closing time, as long as the Federal Reserve Banks have the flexibility to extend the closing time when there are significant systems problems for a major participant.

Eight commenters believed that the Board should establish a firm closing time later than the proposed time of 3:00/3:30 p.m. While the American Bankers Association (ABA) expressed support for the proposed closing time, it noted that several of its members would support a 3:30/4:00 p.m. closing time to allow extra securities processing time. Harris Trust and Savings Bank stated that while its customers would benefit from the additional processing time associated with a 3:00/3:30 p.m. closing time, the bank prefers extending the closing time to 3:30/4:00 p.m. to facilitate its broker customers' needs arising from afternoon margin calls at the exchanges. The BOTCC argued that a 6:00 p.m. closing time would facilitate: (1) the afternoon settlement of futures transactions by permitting securities to be sold or pledged to meet related settlement obligations; (2) the collection of original margin deficits in

the afternoon by permitting the transfer of securities to meet margin requirements; and (3) market participants' ability to adhere to firm closing times. In addition, the BOTCC suggested that a 6:00 p.m. closing time could benefit customers of clearing members by increasing the likelihood that they would receive the proceeds of payments from clearing members on a same-day basis.

Some commenters observed that a later close of the Fedwire book-entry securities transfer service will compress further the limited time available to complete overnight batch accounting cycles in anticipation of the 12:30 a.m. opening of the Fedwire funds transfer service, beginning in late 1997. Specifically, seven commenters indicated a fairly broad spectrum of end-of-day processing requirements and capabilities, ranging from 4–5 hour to 10–12 hour processing cycles. One commenter was unable to provide an estimate of the amount of time required for overnight batch processing because of systems changes it needed to make to accommodate interstate branch banking. In addition, one commenter noted that a later closing time could cause some participants to deliver securities "at the last minute" and another commenter argued that a later closing time would delay its funds settlement process.

The current published closing time has been in place since the system was implemented in the late 1960s. Historically, the service has routinely closed later than 2:30/3:00 p.m. to accommodate operating problems and volume backlogs incurred by major participants. Recent experience indicates that although market participants have made substantial improvements to their automated systems and internal operations, the increased efficiency has not enabled a stable closing time of 2:30/3:00 p.m. During the first half of 1995, the Fedwire securities transfer system was extended beyond the scheduled closing time on 61 out of 126 days, or 48 percent of the business days; most of these extensions were due to system/operating problems at a bank or major dealer. Extensions were granted on eight occasions to allow one of the clearing banks to complete its daily volume; generally, these volume backlogs were satisfied by 3:30 p.m.

In the context of reviewing changes to the final closing time, State Street Bank and Trust suggested that the Board also review the need for a dealer-turnaround deadline, which currently is 2:45 p.m. State Street suggested that the original reasons for granting broker/dealers additional delivery time to customers

are no longer valid in today's automated environment and stated that this intermediary deadline becomes more difficult to justify as operating hours are expanded. State Street indicated that there are no "class" distinctions within other depositories.

Dealer-turnaround time was established by the PSA as an industry guideline to promote the smooth functioning of the government securities market. Operationally, broker/dealers prioritize their work based on the PSA good delivery guidelines; processing transfers during the day first to other broker/dealers and later to their customers. The dealer-turnaround deadline has been reflected in the Federal Reserve Banks' operating circulars; however, the Reserve Banks do not police participant activity with respect to this time.

Whereas the Board's original proposal suggested a closing time of 3:00/3:30 p.m., the Board believes that establishing a firm closing time of 3:15 p.m. for transfer originations and 3:30 p.m. for reversals is consistent with current practice<sup>7</sup> and would enable an orderly close of the government securities market. The Board believes that these closing times will satisfy adequately the known processing needs of market participants with respect to interbank transfers. The Board believes that the new closing time provides sufficient opportunity for market participants to complete daily deliveries, absent unusual operating or computer problems.<sup>8</sup> In addition, the Board's action does not preclude the continuation of an industry standard for a dealer-turnaround time if the industry believes it is needed.<sup>9</sup> The Board also believes that this new closing time will not interfere with the normal end-of-day processing requirements of market participants and Federal Reserve Banks. The Board encourages market participants to continue efforts to improve the efficiency of back-office operations, especially as these may be necessary in anticipation of expanded Fedwire funds transfer service operating hours in late 1997.

The Board believes that establishing a closing time later than 3:15/3:30 p.m. for the Fedwire securities transfer service is not warranted at present. It is

<sup>7</sup> The existing 2:45 p.m. deadline for dealer-to-customer deliveries effectively results in a reversals-only period of 15 minutes.

<sup>8</sup> Those Reserve Banks that permit repositioning after the close of the reversal period may continue to do so.

<sup>9</sup> The Federal Reserve Banks' book-entry securities operating circulars will be modified to eliminate reference to a separate deadline for dealer-to-customer deliveries.

<sup>6</sup> A "fail" occurs when the securities and cash are not exchanged as agreed on the settlement date, usually because of technical problems.

not clear that the potential benefits of closing later than 3:15/3:30 p.m. are sufficient to outweigh the costs of a later close. The existing characteristics of the Fedwire securities transfer service, especially the inability to control the receipt of securities transfers delivered against payment, compel on-line participants to actively monitor their accounts throughout the operating day. It is difficult to justify requiring participants to incur the additional expense associated with monitoring their Fedwire securities activity when there is relatively little volume to be processed later in the day.<sup>10</sup> While the BOTCC pointed out that a significantly later close of 6:00 p.m. would facilitate the afternoon settlement of futures transactions and permit the transfer of securities to meet margin requirement, there are significant costs associated with delaying the back-end processing that takes place at depository institutions after the close of the Fedwire book-entry securities transfer service. In addition, a 6:00 p.m. closing time for the Fedwire securities service may require a later third-party deadline and final close for the Fedwire funds transfer service. Also, decreasing the time between the close of the Fedwire book-entry securities transfer service and the close of the Fedwire funds transfer service allows less time to accommodate securities-related extensions without resulting in Fedwire funds transfer extensions. The Board is concerned about the possibility of securities-related extensions affecting the ability of the funds transfer service to close timely in light of its decision to open the Fedwire funds transfer service at 12:30 a.m. ET, beginning late 1997. Despite these concerns, the Board is willing to consider later closing times for the book-entry securities transfer service in the future and will continue to assess changes in market behavior and intraday volume patterns, as well as improvements in the efficiency of back office operations, that may call for such modifications.

#### IV. Extensions of the Scheduled Closing Time

Nine commenters emphasized the need for Federal Reserve flexibility in granting extensions for unusual circumstances. In addition, five commenters encouraged the Board to provide guidance as to what circumstances would warrant extension of the scheduled closing time.

<sup>10</sup> Recent data indicate that, on average, less than one percent of the aggregate value of securities transfers processed over Fedwire remains to be processed after 3:00 p.m.

Specifically, some commenters argued that extensions should be granted only to accommodate significant operating or computer problems at a depository institution or major dealer or to prevent market disruption. PSA suggested that extensions also should be granted to accommodate the processing volume of large market participants. Two commenters stated that the Board should develop more "equitable" guidelines for granting extensions, arguing that the criteria should be more relevant to the industry as a whole. For example, State Street Bank and Trust observed that the "current extension guidelines (\$500 million or more in straight sells) favor the few banks which process the majority of securities transfers."

Although market participants have improved significantly their automated systems over time, operational problems occasionally arise that interfere with the timely settlement of a participant's Fedwire securities transfers. An operating problem at a participant that originates and/or receives a significant volume of daily Fedwire securities transfers could affect the government securities market broadly by contributing to settlement gridlock. Settlement gridlock, if prolonged, could lead to systemic liquidity problems among dealers and other financial institutions, which could contribute to increased credit risks.

The Board believes that it is essential for the Federal Reserve Banks to have the flexibility to extend the closing time of the Fedwire book-entry securities transfer system on an as-needed basis to facilitate the smooth functioning of the government securities market and to minimize the systemic risks that may arise due to significant operating problems at one or more depository institutions or major dealers. The Board believes that granting extensions in such circumstances provides for the orderly functioning of the government securities market and minimizes the number of failed trades. Because the Board expects all on-line participants to invest in the necessary automation resources to process peak volumes as well as normal volumes, the Federal Reserve Banks generally will not grant extensions based on circumstances arising from volume backlogs at a participant.

#### V. Other Issues

Commenters raised several other issues relating to the closing time for the Fedwire book-entry securities transfer service. Specifically, these suggestions include implementing a free delivery period, considering an earlier close on certain days, and monitoring/

disciplining participants for improper actions during the reversal processing period.

##### A. Free Delivery Period

Bank of America suggested that in conjunction with implementing a firm closing time of 3:00/3:30 p.m., the Board should consider allowing depository institutions to make bank-to-bank transfers free-of-payment (also called "free deliveries") for an hour after the close of the reversal period. Bank of America noted that depository institutions and their customers could use this processing window (i.e., from 3:31 p.m. to 4:30 p.m.) to resolve major difficulties, such as correcting any operational errors or financing securities that inadvertently remained in the dealer's account. The bank stated that if payment were required for a securities transfer to be delivered during this period, the buyer could send the payment via the Fedwire funds transfer system. Bank of America believes that this new service should be implemented in January 1996.

At present, the Federal Reserve Banks' Fedwire book-entry securities transfer applications are unable to establish different closing times for interbank transfers that are "free" versus those that are against payment. The Federal Reserve Banks plan to implement new software for the book-entry securities transfer service, called the National Book-Entry System (NBES), beginning in 1996. NBES will have the capability to differentiate certain types of transactions by time-of-day, which would enable the Reserve Banks to establish a special period for free deliveries of securities, for example. The functionality for processing "free" bank-to-bank transfers after the close of the period for delivery-versus-payment transfers may be made operational in the future pending additional analysis.

##### B. Earlier Close on Certain Market Holidays

Crestar Financial Corporation suggested that the Board should consider closing the Fedwire book-entry securities transfer service earlier on days when the government securities market is closed and/or closes early. Crestar stated that "typically these are days when staff schedules vacations and there might be significant system wide savings if coverage did not have to be provided."

Each year, PSA announces a holiday schedule recommending full-day and partial-day closings of markets for U.S. government and mortgage securities and money market instruments. Typically, there is little Fedwire securities transfer volume to be processed on such days. As a result, the Federal Reserve Banks

generally have been able to close the Fedwire securities transfer system earlier than 2:30/3:00 p.m. on certain days designated in the PSA holiday schedule, such as Good Friday. For example, on April 14, 1995 (Good Friday), depository institutions in the Second Federal Reserve District originated a combined total of about 650 securities transfers, which were all completed by noon, compared with average volume of over 38,000 securities transfers originated per day during March 1995. Thus, the Federal Reserve Banks were able to close the system at 1:30 p.m. on that day.

As noted earlier, the characteristics of the Fedwire securities transfer service, especially the inability to control the receipt of securities transfer delivered against payment, compel on-line participants to actively monitor their accounts throughout the operating day. It is difficult to justify requiring participants to incur the additional expense associated with monitoring their Fedwire securities activity on those days when no volume is processed later in the day.

The Board believes that it is appropriate for the Federal Reserve Banks to continue to close the Fedwire securities transfer service earlier than the published closing time on all or some days designated by the PSA as full or partial market holidays, when there is relatively little volume to be processed. Shortly after the PSA publishes its annual holiday schedule, the Federal Reserve Banks will issue a notice identifying the days on which it plans to close the securities transfer service earlier than 3:15/3:30 p.m. In addition, the Federal Reserve Banks will notify participants of the scheduled early close approximately two weeks in advance of the particular date that Fedwire will be closed early, coincident with PSA's reminder notices for the recommended market holiday.

#### *C. Monitoring Improper Actions During Reversal Period*

Two commenters expressed concern about the practices of some institutions that send securities transfer originations during the reversals-only period. One of these commenters inquired about the Federal Reserve's ability to monitor and/or report such practices, indicating that the Federal Reserve should penalize institutions for improper use of the transfer reversal code.

The Federal Reserve Banks' book-entry securities services uniform operating circular sets forth the terms and conditions governing access to the Fedwire book-entry securities transfer service. In particular, paragraph 21 of this circular indicates that a participant

should not send a transfer message for the first time during the reversals-only period by using a reversal code and provides the receiver of such a transfer with the ability to request an as-of adjustment for improper use of the reversal code. The circular notes that use of the reversal code to resend a transfer initially sent during the origination period and improperly reversed is not a misuse of the reversal code. The Board believes that this provision provides sufficient protection to receivers of improper transfer messages and, as a result, it is not necessary to institute additional measures at this time.

#### **VI. Effective Date of Proposed Changes**

Almost all of the commenters responding to the proposal believed that January 1996 is a reasonable effective date for establishing a firm closing time for the Fedwire book-entry securities transfer service. One commenter, however, suggested that it would be more prudent to establish an effective date that is after the implementation of the National Book-Entry System.

The Board believes that the benefits associated with establishing a firm closing time of 3:15/3:30 p.m. for the Fedwire securities transfer service justify a near-term effective date that permits institutions to make any necessary internal operational/procedural changes. The Board believes that an effective date of January 2, 1996 is reasonable because the new closing time does not represent a material change from average actual experience.

#### **VII. Competitive Impact Analysis**

The Board assesses the competitive impact of changes that may have a substantial effect on payment system participants. In particular, the Board assesses whether a proposed change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve Banks in providing similar services and whether such effects are due to legal differences or due to a dominant market position deriving from such legal differences.

Other providers of securities transfer services do not provide services that are directly comparable to the Fedwire book-entry securities transfer service, because only the Federal Reserve Banks can provide final delivery-versus-payment of securities settled in central bank money. There are other private-sector systems, however, such as the Government Securities Clearing Corporation and the Participants Trust Company, that facilitate primary and secondary market trades of U.S.

Treasury and/or agency securities. Other transactions involving U.S. government securities may be cleared and settled on the books of depository institutions to the extent that the counterparties are customers of the same depository institution.

The Board does not believe that the establishment of a firm closing time for the Fedwire securities transfer system would have a direct and material adverse effect on the ability of other service providers to offer similar services. The Federal Reserve Banks, however, would maintain their unique position of providing risk-free central bank settlement.

By order of the Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20127 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-P

---

## **FEDERAL RESERVE SYSTEM**

[Docket No. R-0889]

### **Federal Reserve Payment System Risk Policy**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Notice; request for comment.

**SUMMARY:** The Board requests comment on the benefits and costs of adopting a policy to control access to the Federal Reserve Banks' automated clearing house (ACH) service by entities other than the depository institution whose Federal Reserve account will be debited. The controls would apply to ACH credit transactions sent by third-party processors (service providers) and respondent depository institutions directly to a Reserve Bank or a private ACH operator that exchanges transactions with a Federal Reserve Bank. Controlling access to the ACH service will help to ensure the safety and soundness of the ACH system.

The concepts underlying the proposed ACH third-party access policy are similar to the provisions of the Fedwire third-party access policy, which was originally adopted in 1987 and amended today. (See notice published elsewhere in today's **Federal Register**.) The Board requests comment on the specific provisions of the proposed policy and the cost and operational impact of providing risk monitoring capabilities for controlling access to the Federal Reserve Banks' ACH service. The risk monitoring capabilities are intended to permit the depository institutions that are

responsible for funding ACH credit transactions to control the potential credit risk and reduce the risk of fraud created by their customers and respondent depository institutions. The proposed policy provisions and monitoring alternatives do not cover ACH debit transactions.

**DATES:** Comments must be submitted on or before November 9, 1995.

**ADDRESSES:** Comments should refer to Docket No. R-0889, and may be mailed to Mr. William Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551. Comments may also be delivered to Room B-2222 between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street N.W. (between Constitution Avenue and C Street) at any time. Comments may be inspected in Room MP-500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

**FOR FURTHER INFORMATION CONTACT:** Florence M. Young, Assistant Director (202/452-3955), Wesley M. Horn, Manager, ACH Payments (202/452-2756), or Scott E. Knudson, Senior Financial Services Analyst, ACH Payments (202/452-3959) Division of Reserve Bank Operations and Payment Systems; for the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452-3544).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The ACH is a value-dated electronic payment service that supports both debit and credit transactions. In ACH debit transactions, funds flow from the depository institution receiving the transaction to the institution originating the transaction. Typical debit transactions include collection of insurance premiums, mortgage and loan payments, consumer bill payments, point-of-sale transactions, and corporate cash concentration transactions. Institutions originating ACH debit transactions are exposed to the risk that the receiving institution will return a transaction and the originating institution's customer will not have sufficient funds available to cover the returned transaction. An originating institution can control its exposure to potential losses from returned debit transactions by establishing funds availability policies that are based on the creditworthiness of each customer. That is, an originating institution can

hold all or a part of the funds collected via ACH debit transactions until returned transactions are expected to be received.<sup>1</sup>

In ACH credit transactions, funds flow from the institution originating the transaction to the institution receiving the transaction. Typical ACH credit transactions include direct deposit of payroll, annuity payments, dividend payments, and corporate payments to vendors and suppliers. When ACH credit transactions are transmitted to a Reserve Bank, the depository institution originating ACH credit transactions or its designated correspondent is obligated to fund the transactions on the settlement day, whether or not the institution's customers fund the payments.<sup>2 3</sup>

ACH transactions are processed in batches one or two days before they are scheduled to settle. The use of value-dating exposes an originating institution to interday credit risk that can extend from one to two business days, depending upon when transactions are transmitted to an ACH operator and when a depository institution's customer funds the payments it originates. To address this exposure, as of January 3, 1995, *The Guide to the Federal Reserve's Payment System Risk Policy* requires depository institutions performing self assessments in order to

obtain daylight overdraft caps to (1) evaluate the creditworthiness of each customer that originates ACH credit transactions, (2) establish for each customer an interday credit limit, and (3) monitor compliance with credit limits across all processing cycles for a given settlement day. For customers in weak financial condition, real-time monitoring is required.<sup>4</sup> In addition, the Board has issued an *Overview of the Federal Reserve's Payments System Risk Policy* for use by depository institutions that use only minimal amounts of intraday Federal Reserve credit, that is, institutions that are exempt from filing or that qualify for a *de minimis* cap. The *Overview* indicates that institutions should perform credit assessments and establish credit or exposure limits for customers originating large dollar volumes of ACH credit transactions and that compliance with the limits should be monitored across all processing cycles for a given settlement day.<sup>5</sup> In both documents, depository institutions are encouraged to require customers in weak financial condition to prefund or collateralize ACH credit transactions.

Many depository institutions originating ACH transactions do so through third-party service providers. There are a variety of third-party processing arrangements that result in a service provider's transmitting ACH transactions directly to a Federal Reserve Bank or a private ACH operator, which may ultimately transmit the transactions to a Federal Reserve Bank.<sup>6</sup> For example, a depository institution may contract with another depository institution, acting as a service bureau, or with a non-depository institution service provider to create ACH transactions on its behalf. In some cases, companies create ACH transactions on behalf of their account-holding institution and transmit the files to third-party service providers. Service providers may also create ACH transactions directly for corporate customers, such as payroll payments. In these cases, service providers consider the contracting companies, not the depository institution, to be their clients. In addition, respondent depository institutions may send ACH credit transactions for which settlement will be made through a correspondent

<sup>1</sup> In Regulation CC (12 CFR Part 229), an ACH debit transfer is excluded from the definition of electronic payment, which is subject to next-day funds availability, because the receiver of an ACH debit transfer has the right to return the transfer. Thus, an ACH debit transfer is more like a check than a wire transfer of funds.

<sup>2</sup> The Federal Reserve Banks' Uniform Operating Circular on Automated Clearing House Items, paragraph 11(c) states "by sending an item to a Reserve Bank, the sending institution authorized the Reserve Bank holding the institution's account to debit the amount of a credit item to the sending institution's account on the settlement date." Paragraph 38 states "a sending institution or prior party may not amend or revoke an item after it has been received by a Reserve Bank, except as otherwise provided in the applicable ACH rules." The ACH Rules (Article Seven, Section 7.1), promulgated by the National Automated Clearing House Association (NACHA), state that "neither an originator nor an ODFI (originating depository financial institution) has the right to recall an entry or file, to require the return of or adjustment to an entry, or to stop the payment or posting of an entry, once the entry or file has been received by the originating ACH operator."

<sup>3</sup> The Uniform Operating Circular on Automated Clearing House Items, Appendix 4, Settlement Agreements, states that a sending or receiving institution (or its correspondent account holder) may terminate a settlement agreement by providing written notice to a Reserve Bank. A Reserve Bank may terminate a settlement agreement by providing written notice to the institution (or correspondent account holder). In either case, the termination notice is effective on and after the banking day following the banking day of receipt by the institution of the notice, or on and after a later date specified in the notice.

<sup>4</sup> *Guide to the Federal Reserve's Payment System Risk Policy*, Section VII, p. 57, January 1995.

<sup>5</sup> *Overview of the Federal Reserve's Payments System Risk Policy*, Section VI, p. 22, October 1993.

<sup>6</sup> There are currently one national private ACH operator—Visa, U.S.A.—and two regional private ACH operators—the New York Automated Clearing House and Deluxe Data Systems, which is the service provider for the Arizona Clearing House Association.

depository institution's account directly to a Federal Reserve Bank or a private ACH operator. In other cases, a respondent depository institution might transmit transactions to a third-party service provider, which would in turn transmit the transactions to a Federal Reserve Bank or private ACH operator. The Board believes that there may also be other types of third-party arrangements that have not been identified.

As noted above, depository institutions are required to fund ACH credit transactions on the settlement day once they have been transmitted to a Federal Reserve Bank. Therefore, the transmission of ACH credit transactions to a Federal Reserve Bank by a third-party service provider or respondent institution without the explicit review and consent of the originating institution or correspondent, whose Federal Reserve account will ultimately be charged for the transactions, can expose the originating institution or correspondent to credit risk. For example, if a depository institution's customer that uses a third-party service provider to originate payroll payments declares bankruptcy before transactions have settled, the depository institution would be required to absorb any loss. Similarly, if a third-party service provider originated fraudulent payments, a depository institution could, at a minimum, be exposed to liquidity risk and the safety and soundness of the ACH service could be undermined.

## II. Risk in ACH Third-Party Processing Arrangements

During the mid-1980s, the Board became concerned about the credit exposure faced by depository institutions entering into arrangements with service providers to send and receive Fedwire funds transfers. To address the credit exposure inherent in these arrangements, as part of its risk reduction policy, in 1987 the Board approved a set of conditions under which Fedwire third-party access arrangements could be established. The Board has adopted revisions to the Fedwire third-party access policy. (See notice published elsewhere in today's **Federal Register**.)<sup>7</sup>

At the time the Fedwire controls were adopted, they were not applied to the ACH because it was considered a small-dollar payment system. As a result, there was little concern about the risks

created when third parties originated and transmitted ACH transactions to ACH operators on behalf of depository institutions. Although the average value of individual ACH credit transactions is relatively small—\$2,600 compared with \$3 million for Fedwire funds transfers in 1994—the aggregate value of ACH transactions originated by a customer of an institution can be significant. Moreover, the volume and value of commercial ACH credit transactions has increased rapidly. In 1987, when the Fedwire policy was adopted, 206.8 million ACH credit transfers, with a value of approximately \$410.7 billion, were processed by the Federal Reserve Banks. In 1994, 955 million transfers, with a value of almost \$2.5 trillion, were processed by the Federal Reserve Banks. Thus, over the last seven years, the volume of ACH credit transactions has grown at an average annual rate of nearly 25 percent and the value of these transactions has increased at an average annual rate of nearly 30 percent. A number of factors indicate that continued rapid growth is likely.

To assess the level of risk depository institutions face due to ACH transactions originated through third-party service providers, the Board's staff surveyed the Reserve Banks to obtain information on the value of ACH credit transactions that are processed for depository institutions that have agreements with service providers.<sup>8</sup> The potential credit exposure was measured by dividing the dollar value of the daily average and peak-day ACH credit transactions originated by service providers for each depository institution by the amount of the institution's total capital. In general, the survey results indicated that the amount of risk faced by institutions in third-party processing arrangements is a small percentage of capital. Peak-day exposure averaged approximately 5 percent of the total capital of institutions using third-party processors. Although the average risk exposure, as measured by the survey, was not significant, for some institutions significant exposure existed. Of the 5,020 institutions that permitted service providers to originate ACH transactions, the peak-day exposure for seven institutions exceeded 150 percent of capital and, for one institution, it exceeded 250 percent of capital. As ACH volume continues to grow, the potential risks created by the use of service providers is likely to increase.

Further, anecdotal evidence suggests that many depository institutions are not fully aware of the extent to which third parties originate ACH transactions on their behalves.

The potential exposure created by the use of third-party service providers to institutions originating ACH transactions, led the Board of Directors of the National Automated Clearing House Association to pass a resolution addressing system controls for third-party processors in November 1993. That resolution, among other things, recommended that ACH controls include: “. . . a review and release function capability for originating depository financial institutions with respect to all files sent directly to ACH Operators by third parties and respondent depository financial institutions. . . .” The purpose of this resolution was to provide originating depository institutions a mechanism to control the risks created by third-party service providers and respondent depository institutions.

The New York Automated Clearing House (NYACH) has implemented a voluntary mechanism that permits originating institutions to set limits on the aggregate amount of ACH credit transactions that can be originated against their accounts by third-party processors. If the credit limit is exceeded, NYACH will hold the files and contact the originating institution. Based on its instructions, NYACH will either reject the file or permit the institution to adjust the credit limit. Visa, U.S.A. and the Arizona Clearing House Association are considering instituting third-party controls.

## III. Proposed ACH Access Policy

The Board is concerned about the potential lack of control in third-party arrangements and believes that appropriate measures should be taken to ensure the safety and soundness of the ACH service by enabling originating institutions to control the risks created by the use of service providers. Thus, the Board requests comment on the benefits and costs of adopting a policy to control access to the Federal Reserve's ACH services. In particular, the Board requests comment on the scope of the proposed policy, risk monitoring capabilities for implementing ACH credit controls, and several other controls.

### A. Scope

The proposed ACH policy would apply only to ACH credit transactions. As noted above, a depository institution is able to control its credit risk from ACH debit transactions by delaying the

<sup>7</sup> The policy requires depository institutions to impose prudent controls over Fedwire transfers initiated, received, or otherwise processed on their behalf by a third-party service provider.

<sup>8</sup> Data were provided by all Reserve Banks, except the Federal Reserve Bank of New York, for the month of December 1993. The New York Automated Clearing House provides essentially all commercial ACH service in the New York District.

availability of funds to the originators of the transactions. The Board, therefore, believes that limiting the policy to the origination of ACH credit transactions avoids imposing unnecessary burdens on the industry while addressing the most significant risk.

The policy would cover all of the following types of arrangements:

- Service providers (service bureaus, information processors, and depository institutions that act as service bureaus for other institutions) that transmit ACH credit transactions directly to a Federal Reserve Bank or to an ACH operator that exchanges payments with a Federal Reserve Bank;

- Companies that transmit their ACH credit transactions directly to a Reserve Bank or private ACH operators that transmit transactions to the Federal Reserve; and

- Institutions that transmit ACH credit transactions directly or indirectly to a Federal Reserve Bank and designate a correspondent depository institution for the settlement of the transactions.

#### *B. Credit Controls*

In its payments system risk policies, the Board has indicated that depository institutions should establish procedures to protect themselves from the risk created by their corporate customers when they originate ACH credit transactions. In particular, the Board has indicated that depository institutions should perform credit assessments and establish credit limits for corporate customers that originate ACH credit transactions. That policy applies whether ACH credit transactions are originated by a depository institution itself or by a service provider.

In addition to the requirements currently included in the payment system risk policy, the Board requests comment on the following credit controls.

- Institutions that outsource their own ACH processing would be required to establish an interday limit on the value of ACH credit transactions that a service provider can originate on their behalf.

- Correspondent depository institutions would be required to establish interday credit limits for each of their respondent institutions that originate ACH credit transactions.

Monitoring capabilities would enable institutions to ensure that the credit limits established by the originating institution for each corporate customer and for its own transactions are not exceeded. If monitoring capabilities only enabled a depository institution to monitor the aggregate value of ACH credit transactions transmitted to a

Reserve Bank or a private ACH operator by a third-party, the responsible depository institution would not be able to control the risk that it faces from its corporate customers. The Board believes that it is important for depository institutions to be able to control the credit exposure that they face from each of their corporate customers and respondent institutions. As a result, the Board requests comment on the benefits and costs of adopting risk monitoring capabilities that differ from the approach recommended by the NACHA's Board of Directors and implemented by one private operator, which establishes controls over the total exposure an institution faces due to transactions originated through third-party service providers. Additionally, more than one third-party service provider may originate ACH credit transactions on behalf of a depository institution's customers. Therefore, a depository institution would be expected to ensure that its internal procedures enable it to monitor all ACH credit transactions originated for each of its corporate customers through third-party service providers.

The following discussion describes the requirements of the ACH risk monitoring capabilities. The Board requests comment on whether the Reserve Banks and private ACH operators and/or third-party service providers, at the option of depository institutions, should provide the risk monitoring capabilities.

The institution's management would set credit limits to reflect the total amount of *unsettled* ACH credit transactions that the institution's management had determined was acceptable based on the customer's or respondent institution's financial condition. The institution would provide these credit limits to the entity providing the monitoring capabilities. Upon receipt of a file from a third-party service provider or respondent institution, the dollar value of the ACH credit transactions in each batch would be combined with the amount of other *unsettled* ACH credit transactions that had previously been processed for the same company or respondent institution. The resulting aggregate amount of *unsettled* credit transactions would be compared to the pre-established credit limit. If this total were below the credit limit established for the customer or respondent institution, the transactions would be processed. If the credit limit for the customer or respondent institution were exceeded, the batch(es) would be held and the originating depository institution and/or the correspondent institution would be

notified. The depository institution would have the option to reject the batch or set a new credit limit for its corporate or respondent customer.

If an originating institution of ACH credit transactions uses a third-party service provider to originate ACH transactions and uses a correspondent institution for settlement, the respondent institution would be expected to establish credit limits for its customers and to instruct the provider of the monitoring mechanism regarding the action to be taken if a batch(es) of ACH credit transactions exceeded its customer's credit limits. In addition, the correspondent institution would be expected to establish credit limits for its respondent institutions and to instruct the provider on the action to be taken if a batch(es) of transactions originated on behalf of its respondent institution exceeded the respondent's credit limit.

These risk monitoring requirements would apply if the Reserve Banks and private ACH operators or third-party service providers provided the monitoring capabilities. Specifically, the Board is requesting comment on whether the monitoring capabilities could most effectively be provided by the Reserve Banks and private ACH operators, third-party service providers, or some combination selected by depository institutions.

If the Reserve Banks provided the monitoring capabilities, the Board believes that the capabilities for this alternative could be implemented within approximately 12 to 18 months following approval of the ACH third-party policy. Developing and operating such a monitoring system would be costly, and the benefits of the system would accrue to institutions using third-party service providers and correspondent institutions. Therefore, it is likely that the Reserve Banks would assess some fee to institutions originating ACH credit transactions through third-party service providers and to institutions acting as ACH correspondent settlement agents if they were to provide monitoring capabilities. The Board is interested in knowing the amount of time that private ACH operators and service providers would need to implement the proposed monitoring capabilities.

The Board believes that the risk monitoring capability may require users of ACH services to make changes that may result in increased costs. For example, in many instances batches of ACH credit transactions could be pending after normal business hours. Thus, originating institutions and correspondent institutions would need to make personnel with credit-granting



authority available during these off-hours. Finally, if service providers provided the monitoring capabilities, originating depository institutions or correspondent institutions that permit customers or respondents to transmit ACH credit transactions directly to a Reserve Bank may not be able to rely on the service provider to provide effective controls over such transactions.

#### C. Other Controls

To ensure the integrity of ACH third-party and respondent access arrangements, the following provisions, which are generally consistent with those required in the Fedwire third-party access policy, would apply.

- An institution's board of directors would be required to approve the role and responsibilities of a service provider(s) that is not affiliated with the institution through at least 80 percent common ownership.

- A depository institution that uses an ACH third-party access arrangement would be required to have its auditors confirm compliance with the controls described in the policy at least annually.

- The service provider must be subject to examination by the appropriate federal depository institution regulatory agency(ies).

- The conditions under which these arrangements could be established would be set forth in the appendices of the Reserve Banks' uniform ACH operating circular. The uniform operating circular would serve as the legal agreement governing the arrangement between the institution and the service provider and/or correspondent and would govern arrangements of which the Reserve Banks otherwise may not be aware. The ACH Participation Agreement, which is used to document the various agreements between the Federal Reserve Banks and users of their ACH services, such as settlement arrangements and electronic connections, would serve to identify the institution and the service provider(s) or correspondent(s) in the third-party arrangement(s).

#### IV. Competitive Impact Analysis

In considering a change that has a substantial effect on payment system participants, the Board assesses whether the proposed change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve Banks in providing similar services and if such effects are due to legal differences or due to a dominant market position deriving from such legal differences.

The Federal Reserve Banks compete in providing ACH services to depository institutions with private-sector ACH operators. The intent of the proposed third-party access policy is to ensure the integrity of the ACH system. The proposed policy would apply equally to institutions using Federal Reserve Bank ACH services and to institutions that use the services of private ACH operators that transmit ACH transactions to the Federal Reserve Banks on their behalf. Therefore, the Board believes that although the proposal would impose requirements on private ACH operators, those requirements would not be any greater than the additional requirements the Federal Reserve would be placing on itself.

#### V. Request for Comments

The Board requests comments on all aspects of this proposal. The Board specifically requests comments on the following questions:

##### A. Current Arrangements and Controls

1. Under what types of arrangements do third parties initiate or transmit ACH credit transactions to the Federal Reserve Banks or private-sector ACH operators on behalf of depository institutions?

2. What are the unique risk characteristics of third-party processing arrangements and correspondent settlement arrangements that concern the institutions, service providers, and private ACH operators participating in such arrangements? Are the risks in these arrangements expected to increase in the future?

3. What controls are currently in place that permit institutions to control their risk in ACH third-party processing arrangements and correspondent settlement arrangements? Are these controls consistent with the type of controls required in the payment system risk policy?

##### B. Risk Monitoring Alternatives

4. How would the requirement to make personnel available after normal business hours affect institutions' ACH operating risk and costs? How would it affect the quality of the ACH service? Are there other operational issues or customer service issues associated with either risk control alternative?

5. Would monitoring capabilities provided by the Reserve Banks and private ACH operators or by the service providers be most effective in achieving the objectives of controlling risk in the ACH? Should the Board consider permitting depository institutions to

select between the two alternatives or should only one approach be adopted?

6. If only service providers were to provide monitoring capabilities, how would the activity of originating institutions' customers and respondent institutions that transmit ACH credit transactions directly to a Federal Reserve Bank or a private ACH operator be monitored?

7. What costs would be incurred by (a) private ACH operators to expand or develop their monitoring systems to permit their users to monitor ACH credit transactions at the customer level and (b) third-party service providers to develop such a monitoring mechanism?

8. How do the benefits derived from improving credit controls over access to the ACH service compare with the potential costs of implementing the proposal and the operational risk (i.e., possible untimely processing) that may be created by proposed controls?

9. Are there other monitoring alternatives that would be equally effective but pose fewer operational issues and be less costly?

10. Could depository institutions, private ACH operators, and service providers comply with the proposed policy if the final policy were effective 18 months after adoption by the Board? Could the parties comply within 12 months after adoption by the Board?

##### C. Proposed Policy Provisions

11. Do the provisions of the proposed policy address the credit risk concerns of institutions participating in ACH third-party processing arrangements? If not, explain your concerns and suggested alternative controls.

12. Could the risk monitoring controls effectively control credit risk if they were applied only to corporate customers or respondent institutions whose financial condition was considered weak? What issues might be raised if parties other than the responsible depository institution had information identifying financially weak customers or respondent institutions?

13. Should a depository institution be responsible for monitoring the financial stability of its service providers and adopting procedures necessary to ensure that the activities of the service provider were controlled appropriately?

By order of the Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**  
Secretary of the Board.

[FR Doc. 95-20128 Filed 8-14-95; 8:45 am]

BILLING CODE 6210-01-P

**FEDERAL RESERVE SYSTEM****[Docket No. R-0890]****Federal Reserve Payment System Risk Policy****AGENCY:** Board of Governors of the Federal Reserve System.**ACTION:** Policy statement.

**SUMMARY:** The Board has approved certain modifications to its Fedwire third-party access policy to clarify its applicability and to reduce the administrative burden of several provisions. Some depository institutions have entered into arrangements under which a third party provides operating facilities for their Fedwire services; under such arrangements, the third party's actions may result in a debit to the institution's reserve or clearing account at a Federal Reserve Bank. The policy provides important safeguards to both depository institutions participating in third-party access arrangements and to the Reserve Banks. Among other things, the policy requires depository institutions to impose prudent controls over Fedwire funds transfers and book-entry securities transfers initiated, received, or otherwise processed on their behalf by a third-party service provider. These policy modifications are interim modifications, pending the completion of a broader review of supervisory policies that should be applicable to outsourcing arrangements. The review may result in further modifications to the policy; however, the Board believes that any further modifications will be in the same general direction as those made today. The Federal Reserve Banks will not approve any new third-party access arrangements involving a foreign service provider, pending further analysis of issues associated with such arrangements.

**EFFECTIVE DATE:** August 10, 1995.**FOR FURTHER INFORMATION CONTACT:**

Gayle Brett, Manager (202/452-2934) or Lisa K. Hoskins, Project Leader (202/452-3437), Fedwire Payments, Division of Reserve Bank Operations and Payment Systems; for the hearing impaired *only*: Telecommunications Device for the Deaf, Dorothea Thompson (202/452-3544).

**SUPPLEMENTARY INFORMATION:****I. Background**

Fedwire is the large-value payment mechanism owned and operated by the Federal Reserve Banks. Fedwire provides depository institutions with real-time gross settlement in central bank money of funds transfers and

book-entry securities transfers made for their own account or on behalf of their customers. Typically, each depository institution that holds an account at the Federal Reserve processes its own transfers and accesses Fedwire directly. In some cases, however, a depository institution accesses Fedwire through a third-party access arrangement in which a service provider, acting as agent for a depository institution, initiates payments that are posted to the institution's account at the Federal Reserve. Third-party access arrangements are a form of outsourcing. Depository institutions use service providers to perform a number of functions, including customer accounting, check and automated clearing house (ACH) processing, and the processing and/or transmission of large-value funds and securities transfers. Depository institutions have increasingly viewed outsourcing arrangements as one way to reduce operating costs.

During the mid-1980s, the Board and Reserve Banks became concerned about the credit exposure faced by depository institutions that contracted with a third-party service provider to process Fedwire funds transfers on their behalf. Due to the concerns raised about the legal, supervisory, and payments system risk implications of such arrangements, a moratorium on approving additional arrangements was imposed in 1985 until these issues could be reviewed and guidelines established.

In July 1987, the Board approved a set of conditions under which Fedwire third-party access arrangements could be established, as part of its payment system risk reduction policy (52 FR 29255, August 6, 1987). Specifically, the Board adopted a policy placing certain conditions on the ability of a service provider to initiate Fedwire transfers from a participant's reserve or clearing account held at the Federal Reserve.<sup>1</sup> The Board's original policy addressed two types of arrangements. Where the service provider and the participant are not affiliated, the participant must authorize each individual transfer before it is sent to a Reserve Bank. Where the service provider and the participant are affiliated, the participant may establish limits within which the

service provider is authorized to act. For purposes of the policy, an affiliated service provider is defined as an organization that has at least 80 percent common ownership with the participant.

Since the third-party access policy went into effect, the Federal Reserve Banks have approved approximately 500 third-party service arrangements.<sup>2</sup> During this time a number of issues and requests for clarification have been raised with respect to the policy. These questions relate to: (1) the circumstances under which line-of-credit arrangements can be used; (2) the responsibility of a participant to monitor its reserve or clearing account in line-of-credit arrangements; (3) the need for a participant to have backup capabilities in the event the Federal Reserve Bank terminates the arrangement; and (4) the duties that may be assigned to personnel employed by the parties to the arrangement.

Issues also were raised about the scope of the policy. Questions of scope include: (1) whether the policy applies to arrangements for book-entry securities transfers as well as funds transfers; (2) whether the policy applies to arrangements in which a service provider serves as a communications link but does not process the transfers; (3) whether the policy applies when an institution contracts with a third party to process transfers that subsequently are routed through the participant to the Reserve Bank; and (4) whether the policy applies to arrangements in which the service provider is located outside the United States.

In considering modifications to the Fedwire third-party access policy, the Board has determined that it would be useful to undertake a broader review of supervisory policies that should be applicable to a larger range of outsourcing arrangements. The staff has begun to review broader issues relating to outsourcing generally, including, for example, the extent to which termination backup requirements should apply to other critical functions outsourced by banks and whether foreign service provider arrangements should be subject to special conditions. It is possible that the Board will modify further the Fedwire third-party access policy following completion of the

<sup>1</sup> The original issues surrounding third-party access arrangements arose in the context of funds transfer arrangements, and the language of the original policy reflected this orientation. Board staff subsequently interpreted the policy to include Fedwire book-entry securities transfer arrangements within its scope. Board staff also interpreted the policy to cover all situations where transfer instructions are not communicated directly to the Reserve Bank by the sending bank, but rather are transmitted indirectly through another entity.

<sup>2</sup> The number of current arrangements is less than the number approved because of mergers and changes in relationships between participants and service providers. Because some of the approved arrangements involved multiple participants using the same service provider, however, there may be more than 500 Fedwire participants currently using third-party service providers for Fedwire processing.

study. The Board believes, however, that any additional modifications to this policy are likely to be consistent with the changes made today to reduce further the costs imposed by the policy.

## II. Provision-by-Provision Analysis

The following identifies each provision of the revised Fedwire third-party access policy and discusses how and why it differs from the original policy provision.

### A. Scope

#### Revised Provision

The Board will allow third-party access arrangements whereby a sending or receiving institution ("the participant") designates another depository institution or other entity ("the service provider") to initiate, receive, and/or otherwise process Fedwire funds transfers or book-entry securities transfers that are posted to the participant's reserve or clearing account held at the Federal Reserve, provided the following conditions are met:<sup>3</sup>

#### Original Provision

The Board will allow, under certain conditions, arrangements by which a depository institution or other entity ("the service provider") could initiate Fedwire transfers from the Federal Reserve account of another depository institution ("the participant"). Such arrangements will be permitted provided:

The original policy applied to arrangements where funds transfers or book-entry securities transfers were charged or credited to a depository institution's reserve or clearing account held at the Federal Reserve and for which the depository institution did not provide its transfer instructions directly to the Federal Reserve, but rather transmitted its instructions indirectly through another entity. The revised policy applies to the arrangements described above, as well as arrangements where an institution contracts with a third party to process transfers that subsequently are routed through the participant to the Reserve Bank. The Board believes that, whenever a service provider plays a role in processing Fedwire funds transfers or book-entry securities transfers that affect the participant's reserve or clearing account, the arrangement should be subject to the third-party access policy. The revised policy governs all

arrangements in which a service provider has the operational ability to add or modify transfer instructions that will be posted to the participant's reserve or clearing account held at the Federal Reserve. As a result, communications carriers whose sole job is to transmit transfer instructions between entities are excluded from this policy.

The original policy is silent on whether the service provider can be located outside the United States. The Reserve Banks have not approved any such arrangements; however, several inquiries have been received during the last few years. Such arrangements raise a number of supervisory issues. In addition, because the original third-party access policy applies only to arrangements where the service provider is a separate legal entity from the participant, a Fedwire participant could designate an office of its bank located outside the U.S. to process Fedwire transfers on its behalf without obtaining prior approval from the Reserve Bank. The Reserve Bank and the primary regulator may be unaware of such an arrangement until discovered in the course of an examination. The Board believes that many of the issues that arise with respect to foreign service providers also arise when a foreign office of a Fedwire participant processes that participant's Fedwire transfers. Consequently, the Board has broadened the scope of the policy to include such arrangements. Any existing arrangements involving a foreign service provider must be reported promptly to the participant's Reserve Bank. The Reserve Bank will work with the participant and its primary supervisor to determine the extent to which the arrangement complies with the policy and the appropriateness of the arrangement. No new arrangements involving the outsourcing of Fedwire processing to a foreign service provider will be approved by the Reserve Banks pending the completion of the Board's analysis of issues associated with foreign service provider arrangements.

### B. Control of Credit-Granting Process

#### Revised Condition (#1)

The participant retains operational control of the credit-granting process by (1) individually authorizing each funds or securities transfer, or (2) establishing individual customer transfer limits and a transfer limit for the participant's own activity, within which the service provider can act. The transfer limit could be a combination of the account balance and established credit limits. For the purposes of this policy, these arrangements are called "line-of-credit arrangements."

#### Original Condition (#1)

The institution whose account is being charged (the "institution") retains control of the credit-granting process by individually approving each transfer or establishing credit limits within which the service provider can act.

#### Original Condition (#12)

No individual with decision-making responsibilities relating to the funds-transfer area may hold such a position in more than one affiliated institution participating in an approved arrangement.

The Board believes that it is important for the participant to retain operational control of the credit-granting process under a third-party access arrangement. The revised language (1) clarifies that this condition applies to both funds transfer and book-entry securities transfer arrangements; (2) removes the restriction that line-of-credit arrangements are permissible only where the service provider and participant are affiliated organizations;<sup>4</sup> and (3) deletes the condition in the original policy that no individual with decision-making responsibilities related to Fedwire may hold such a position in multiple institutions participating in the arrangement.

The Board believes that the participant can retain operational control of the credit-granting process either by individually authorizing each transfer based on specific parameters (e.g., customer account balance and/or available credit line) or by permitting the service provider to make the same decisions the participant would have made based on the specific parameters established by the participant. Therefore, the Board does not believe it is necessary to limit the circumstances in which line-of-credit arrangements can be used. The revised policy clarifies further that the transfer limits in line-of-credit arrangements must be established by the participant for individual customer activity and for the participant's own activity. Some participants may prefer to establish lines of credit for certain categories of transfers (e.g., customer activity), but to authorize individual transfers for other categories (e.g., the participant's own activity).

The original provision prohibiting an individual with Fedwire-related responsibilities from holding such a position in multiple institutions participating in the arrangement was intended to ensure that a participant retains control of its reserve account and of its credit-granting function and does

<sup>3</sup> This policy applies to third-party access arrangements in which an office of the participant located outside the U.S. acts as service provider by initiating, receiving, or otherwise processing Fedwire transfers on behalf of the U.S. participant.

<sup>4</sup> In original condition 2, line-of-credit arrangements were limited to participants that used affiliated service providers.

not effectively relinquish control of these functions to the service provider. The Board believes that this condition has posed problems in cases where an individual with Fedwire-related responsibilities is an officer of multiple holding company affiliates that wished to establish Fedwire third-party access arrangements. The Board has deleted this specific provision from the revised policy, but continues to believe that it is important that the participant retain operational control of the establishment of criteria for approving Fedwire transfers handled by the service provider.

### *C. Transfers That Would Exceed the Established Transfer Limit*

#### *Revised Condition (#2)*

In funds transfer line-of-credit arrangements, the service provider must have procedures in place and the operational ability to ensure that a funds transfer that would exceed the established transfer limit is not permitted without first obtaining the participant's approval. In book-entry securities transfer line-of-credit arrangements, the service provider must have procedures in place and the operational ability to provide the participant with timely notification of an incoming transfer that exceeds the applicable limit and must act upon the participant's instructions to accept or reverse the transfer accordingly.

#### *Original Condition (#3)*

The service provider must not permit or initiate transfers that would exceed individual credit limits without first obtaining the institution's permission.

The Board believes that it is important to retain the condition that customer credit limits are operationally binding on the service provider and that the service provider may not exceed those limits without the participant's permission. The language of this condition has been revised to distinguish between arrangements involving Fedwire funds transfers and book-entry securities transfers. In a funds transfer, the participant's reserve or clearing account held at the Reserve Bank is debited when the transfer is processed; therefore, transfer limits or controls must be in place before the transfer is made. In a book-entry securities transfer, however, the participant's reserve/clearing account is debited for each incoming transfer; therefore, transfer limits can only be monitored in an *ex post* fashion. As a result, the service provider must be able to notify the participant in a timely manner about incoming transfers that exceed the applicable limit so that the participant can instruct the service provider to accept or reverse the transfer accordingly.

### *D. Posting Transfers and Responsibility for Account Management*

#### *Revised Condition (#3)*

Transfers will be posted to the participant's reserve or clearing account held at the Federal Reserve, and the participant will remain responsible for managing its Federal Reserve account, with respect to both its intraday and overnight positions. The participant must be able to monitor transfer activity conducted on its behalf.

#### *Original Condition (#5)*

All funds-transfer activity must be posted to the institution's account, and the institution will remain responsible for its account.

#### *Original Condition (#9)*

The institution must have the ability to monitor transfers being made on its behalf.

The revised condition (1) eliminates the language that limits the condition to funds-transfer activity; (2) clarifies that responsibility for management of the participant's reserve or clearing account, including control over daylight overdrafts, remains with the participant; and (3) incorporates the requirement that the participant be able to monitor its transfer activity.

### *E. Board of Directors' Approval*

#### *Revised Condition (#4)*

The participant's board of directors must approve the role and responsibilities of a service provider(s) that is not affiliated with the participant through at least 80 percent common ownership. In line-of-credit arrangements, the participant's board of directors must approve the intraday overdraft limit for the activity to be processed by the service provider and the credit limits for any inter-affiliate funds transfers.<sup>5</sup>

#### *Original Condition (#4)*

The service provider must have the operational ability to ensure that the aggregate funds-transfer activity of the institution does not result in daylight overdrafts in excess of the institution's cap.

#### *Original Condition (#6)*

The institution's board of directors must approve the specifics of the arrangement, including (a) the operational transfer of its funds-transfer activity to the service provider, (b) the net debit cap for the activity to be processed by the service provider, and (c) the credit limits for any inter-affiliate funds transfers.

The Board has modified this condition to: (1) Limit the participant's board of directors' review of the roles

<sup>5</sup>In cases where a U.S. branch of a foreign bank wishes to be a participant in an arrangement subject to this policy, and its board of directors has a more limited role in the bank's management than a U.S. board, the role and responsibilities of the service provider should be reviewed by senior management at the foreign bank's head office that exercises authority over the foreign bank equivalent to the authority exercised by a board of directors over a U.S. depository institution.

and responsibilities of the service provider to arrangements where the service provider is not affiliated with the participant; (2) eliminate the language that limits the condition to funds-transfer arrangements; (3) clarify that certain issues to be considered by the board of directors are pertinent only to line-of-credit arrangements; and (4) encompass arrangements where more than one service provider handles a participant's transfer activity. The Board also acknowledges that the board of directors of a foreign bank might have more limited responsibilities than those typical of a U.S. board and has indicated that whatever body exercises similar authority in these situations would be the appropriate decision-maker with respect to the provisions of this policy that fall within the purview of a participant's board of directors.

### *F. Backup*

#### *Revised Condition (#5)*

The Board expects all participants to ensure that their Fedwire operations could be resumed in a reasonable period of time in the event of an operating outage, consistent with the requirement to maintain adequate contingency backup capabilities as set forth in the interagency policy (FFIEC SP-5, July 1989). A participant is not relieved of such responsibility because it contracts with a service provider.

#### *Revised Condition (#6)*

In cases where the service provider is not affiliated with the participant through at least 80 percent common ownership, the participant must be able to continue Fedwire operations if the participant is unable to continue its service provider arrangement (e.g., in the event the Reserve Bank or the participant's primary supervisor terminates the service provider arrangement).

#### *Original Condition (#8)*

The institution must have adequate backup procedures and facilities to cover equipment failure or other developments affecting the adequacy of the service being provided. This backup must provide the Reserve Bank with the ability to terminate a service-provider arrangement.

The original backup requirement had two facets: (1) contingency backup to enable recovery in the event of an operating outage and (2) the ability of the participant to continue transfer activity in the event the arrangement with the service provider is terminated. The Board expects all Fedwire participants to maintain adequate contingency backup capabilities in accordance with the policy adopted by the federal banking regulatory agencies; a participant is not relieved of such responsibility because it contracts with a service provider. Revised condition #5 references explicitly the interagency policy that requires a depository

institution to have contingency backup capabilities more broadly than for Fedwire processing.

The original "termination backup" requirement provided the participant's Reserve Bank with the flexibility to terminate an arrangement if it determined that the service provider was in a precarious financial condition, was performing its responsibilities in an unsafe and unsound manner, or was otherwise jeopardizing the condition of the participant. The termination backup requirement can be satisfied either by (1) retaining the capability to perform the functions internally that have been delegated to the service provider; or (2) making arrangements with an alternate service provider to take over these functions in the event that the arrangement must be terminated.

The Board recognizes that the termination backup requirement may have made third-party access arrangements impractical for some large institutions, due to the expense required either to have the internal capability to take over the functions of the service provider or to arrange with a backup service provider that has the capability and necessary software to assume these functions on short notice. This condition could prevent some institutions from benefiting from the cost savings that could be derived from a third-party access arrangement.

The Board has limited the termination backup requirement to arrangements in which the service provider is not affiliated with the participant. Most of the arrangements that have been approved to date involve affiliated parties. In arrangements where the service provider is affiliated with the participant, the participant is likely to have information about the service provider that would enable the participant to take actions to foster improvements in the financial condition and/or operating controls of the service provider before the situation deteriorates to the point that the Reserve Bank or the participant's primary supervisor would be likely to terminate the arrangement. The Board believes it is necessary at this time to retain the termination backup requirement for unaffiliated service provider arrangements in order to provide the Reserve Bank or the participant's primary supervisor with a higher level of supervisory control over such arrangements.

The Board notes that federal banking regulators currently do not require depository institutions to provide equivalent termination backup capabilities for other critical functions, such as customer deposit accounting

(e.g., demand deposit accounting, or DDA) and loan processing, which provide management with information that may be necessary to approve Fedwire funds transfers and securities transfers. The Board plans to evaluate, as part of its broader review of outsourcing generally, the extent to which the "termination backup" requirement should apply to other business applications/functions that are outsourced to a third-party service provider, especially where there are dependencies between such functions and the Fedwire funds transfer and securities transfer services.

#### *G. Consistency With Corporate Separateness and Branching Restrictions*

##### *Revised Condition (#7)*

The participant must certify that the arrangement is consistent with corporate separateness and does not violate branching restrictions.

##### *Original Condition (#10)*

The institution must provide an opinion of counsel that the arrangement is consistent with corporate separateness and does not violate branching restrictions.

The third-party access policy raises potential concerns regarding maintenance of separate corporate identities between the service provider and the participant. Moreover, given the definition of "branch" as a location at which deposits are received, checks paid, or money lent, certain third-party access arrangements may raise questions regarding whether the location of the service provider is deemed a branch of the participant. The Board believes that the participant should carefully review the arrangement for consistency with corporate separateness and state branching restrictions. Although the participant may desire an opinion of counsel to make this certification, the Board believes that the participant's certification that the arrangement is consistent with corporate separateness and branching restrictions is sufficient and that the Reserve Bank need not require a copy of an opinion of counsel addressing these issues.

#### *H. Compliance With Applicable Laws and Regulations*

##### *Revised Condition (#8)*

The participant must certify that the specifics of the arrangement will allow the participant to comply with all applicable state and federal laws and regulations governing the participant, including, for example, retaining and making accessible records in accordance with the regulations adopted under the Bank Secrecy Act.

##### *Original Condition*

None.

In clarifying the scope of the policy, the Board believes it is important that the participant in a third-party access arrangement certify that the arrangement will be established in such a way to allow the participant to comply with all applicable state and federal laws and regulations, particularly those associated with record retention and availability of records, as required under the Bank Secrecy Act regulations (31 CFR Part 103). If, subsequent to establishing an arrangement, the Reserve Bank receives information that the operations or activities of the participant or its service provider do not comply with applicable state and federal laws and regulations, the Reserve Bank may terminate the third-party access arrangement.

#### *I. Primary Supervisor*

##### *Revised Condition (#9)*

The participant's primary supervisor(s) must affirmatively state in writing that it does not object to the arrangement.

##### *Original Condition (#11)*

The primary supervisor must not object to the arrangement.

The Board believes that it is important for the participant's primary supervisor(s) to review, and affirmatively not object to, each proposed third-party access arrangement. The provision has been modified further to recognize that some state-chartered institutions must inform both state and federal supervisors.

#### *J. Audit Program*

##### *Revised Condition (#10)*

The participant must have in place an adequate audit program to review the arrangement at least annually to confirm that these requirements are being met.

##### *Original Condition (#13)*

The institution must have in place an adequate audit program to review the arrangements at least annually to confirm that these requirements are being met.

The Board continues to believe that, because an agent is effecting transfers to and from the participant's reserve or clearing account held at the Federal Reserve and because the arrangement originally approved may change over time, it is in the interest of the participant to have its auditors confirm compliance with proper procedures.

**K. Service Provider Examination**

## Revised Condition (#11)

The service provider must be subject to examination by the appropriate federal depository institution regulatory agency(ies).<sup>6</sup> Original Condition (#2)<sup>7</sup>

The service provider must be an affiliate of the institution, or, if the institution approves each individual transaction, an unaffiliated company. All service providers must be subject to examination.

Depository institution service providers are subject to examination by the institution's primary supervisor. Service providers that are nonbank subsidiaries of a bank holding company are subject to examination by the Federal Reserve. Service providers that are not depository institutions or affiliates of bank holding companies may be subject to examination pursuant to the Bank Services Corporation Act.<sup>8</sup> Service providers that are subsidiaries of banks are subject to examination by the parent bank's primary supervisor(s). The Board believes that the service provider must acknowledge that it is subject to examination by the appropriate federal depository institution regulatory agency(ies). The requirement that the service provider be subject to examination also applies to arrangements where the participant's service provider arranges for a separate service provider to handle the participant's Fedwire transfers.

**L. Agreements**

## Revised Condition (#12)

The participant and the service provider(s) must execute an agreement with the relevant Reserve Bank(s) incorporating these conditions.

## Original Condition (#7)

The institution and the service provider must execute an agreement with the relevant Reserve Banks delineating the terms of the agreement.

This condition was revised to reflect the possibility that a participant's transfer activity may be handled operationally by more than one service

provider in a given third-party access arrangement. The Reserve Banks have indicated that the conditions under which these arrangements could be established will be set forth in uniform appendices to the Fedwire funds transfer and book-entry securities transfer operating circulars. The uniform operating circular appendices would replace the individual comprehensive legal agreements that are currently used in most districts; would be easier to modify; and would govern arrangements of which the Reserve Bank otherwise may not be aware (for example, arrangements where transfers are processed by a service provider but transmitted to the Reserve Bank by the participant). The appendices to the operating circulars will include a model letter certifying compliance with circular requirements that would be signed by the participant and the service provider(s). Such a letter could be useful in the event that a service provider, especially a non-depository institution, may not have agreed to abide by the terms of the Reserve Bank operating circular through the general agreement. The Board believes that it is not necessary for Reserve Banks to obtain new agreements for existing arrangements because the revised policy is less restrictive than the original policy.

**M. Review and Approval of Proposed Arrangements**

## Revised Condition (Closing Paragraph)

The Federal Reserve Bank is responsible for approving each proposed Fedwire third-party access arrangement. In a proposed arrangement in which the participant is not affiliated through at least 80 percent common ownership with the service provider and where the participant is owned by one of the 50 largest bank holding companies (based on consolidated assets), the Directors of the Division of Reserve Bank Operations and Payment Systems and the Division of Banking Supervision and Regulation must concur with the arrangement.

## Original Condition (Closing paragraph)

In order to ensure consistency with the Board's policy, each new arrangement should be reviewed by the Director of the Division of Federal Reserve Bank Operations prior to approval by the Reserve Bank.

The Reserve Banks are responsible for approving proposed Fedwire third-party access arrangements before they become operational. Under the original policy, approval of all proposed arrangements was subject to review by Board staff. The Board believes that, given the number of existing third-party access arrangements, establishment of such arrangements has become more routine. Therefore, the Board has eliminated the

requirement for Board staff review of most third-party access arrangements. The Board has retained, however, the requirement that Board staff review arrangements where the service provider is unaffiliated with the participant, and the participant is owned by one of the 50 largest bank holding companies (based on consolidated assets) before Reserve Bank approval. The Board believes that greater scrutiny of this subset of arrangements is warranted due to the significant value of the Fedwire transfers that would be handled by a service provider that is not affiliated with the participant.

**III. Effective Date**

The revised Fedwire third-party access policy becomes effective immediately. Existing Fedwire arrangements must comply by March 1, 1996. All arrangements established after the effective date must comply with the policy when established.

**IV. Competitive Impact Analysis**

The Board assesses the competitive impact of changes that may have a substantial effect on payment system participants. In particular, the Board assesses whether a proposed change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve Banks in providing similar services and whether such effects are due to legal differences or due to a dominant market position deriving from such legal differences.

The Federal Reserve Banks' Fedwire funds transfer and book-entry securities transfer services provide real-time gross settlement in central bank money. While these services cannot be duplicated by private-sector service providers, banks can make large-dollar funds transfers through other systems, such as CHIPS, or through correspondent book transfers, although these transactions have attributes that differ from Fedwire transfers. Similarly, there are private-sector securities clearing and/or settlement systems, such as the Government Securities Clearing Corporation and the Participants Trust Company, that facilitate primary and secondary market trades of U.S. Treasury and agency securities. Other transactions involving U.S. government securities may be cleared and settled on the books of banks to the extent that the counterparties are customers of the same bank.

The Board's third-party access policy places conditions on arrangements in which a Fedwire participant may contract with another organization to

<sup>6</sup> The U.S. federal depository institution regulatory agency(ies) must be able to examine any aspects of the service provider as may be necessary to assess the adequacy of the operations and financial condition of the service provider.

<sup>7</sup> The "affiliation" requirement for line-of-credit arrangements is discussed in the context of revised condition 1.

<sup>8</sup> Section 7(c) of the Bank Services Corporation Act provides that " \* \* \* whenever a bank that is regularly examined by an appropriate Federal banking agency \* \* \* causes to be performed for itself, by contract or otherwise, any services authorized under this Act, whether on or off its premises \* \* \* such performance shall be subject to regulation and examination by such agency to the same extent as if such services were being performed by the bank itself on its own premises."

initiate, receive, or otherwise process Fedwire transfers. The Board has revised the policy to clarify its scope and reduce its administrative and operational burden. Neither the original nor the revised policy adversely affects the ability of other service providers to compete with the Federal Reserve Banks to provide funds transfer or securities transfer services.

## V. Policy Statement

The Board has amended its "Federal Reserve System Policy Statement on Payments System Risk" under the heading "I. Federal Reserve Policy" by replacing "G. Third-party access arrangements" with the following:

### *G. Fedwire Third-Party Access Policy*

The Board will allow third-party access arrangements whereby a sending or receiving institution ("the participant") designates another depository institution or other entity ("the service provider") to initiate, receive, and/or otherwise process Fedwire funds transfers or book-entry securities transfers that are posted to the participant's reserve or clearing account held at the Federal Reserve, provided the following conditions are met:<sup>1</sup>

1. The participant retains operational control of the credit-granting process by (1) individually authorizing each funds or securities transfer, or (2) establishing individual customer transfer limits and a transfer limit for the participant's own activity, within which the service provider can act. The transfer limit could be a combination of the account balance and established credit limits. For the purposes of this policy, these arrangements are called "line-of-credit arrangements."

2. In funds transfer line-of-credit arrangements, the service provider must have procedures in place and the operational ability to ensure that a funds transfer that would exceed the established transfer limit is not permitted without first obtaining the participant's approval. In book-entry securities transfer line-of-credit

arrangements, the service provider must have procedures in place and the operational ability to provide the participant with timely notification of an incoming transfer that exceeds the applicable limit and must act upon the participant's instructions to accept or reverse the transfer accordingly.

3. Transfers will be posted to the participant's reserve or clearing account held at the Federal Reserve, and the participant will remain responsible for managing its Federal Reserve account, with respect to both its intraday and overnight positions. The participant must be able to monitor transfer activity conducted on its behalf.

4. The participant's board of directors must approve the role and responsibilities of a service provider(s) that is not affiliated with the participant through at least 80 percent common ownership. In line-of-credit arrangements, the participant's board of directors must approve the intraday overdraft limit for the activity to be processed by the service provider and the credit limits for any inter-affiliate funds transfers.<sup>2</sup>

5. The Board expects all participants to ensure that their Fedwire operations could be resumed in a reasonable period of time in the event of an operating outage, consistent with the requirement to maintain adequate contingency backup capabilities as set forth in the interagency policy (FFIEC SP-5, July 1989). A participant is not relieved of such responsibility because it contracts with a service provider.

6. In cases where the service provider is not affiliated with the participant through at least 80 percent common ownership, the participant must be able to continue Fedwire operations if the participant is unable to continue its service provider arrangement (e.g., in the event the Reserve Bank or the participant's primary supervisor

terminates the service provider arrangement).

7. The participant must certify that the arrangement is consistent with corporate separateness and does not violate branching restrictions.

8. The participant must certify that the specifics of the arrangement will allow the participant to comply with all applicable state and federal laws and regulations governing the participant, including, for example, retaining and making accessible records in accordance with the regulations adopted under the Bank Secrecy Act.

9. The participant's primary supervisor(s) must affirmatively state in writing that it does not object to the arrangement.

10. The participant must have in place an adequate audit program to review the arrangement at least annually to confirm that these requirements are being met.

11. The service provider must be subject to examination by the appropriate federal depository institution regulatory agency(ies).<sup>3</sup>

12. The participant and the service provider(s) must execute an agreement with the relevant Reserve Bank(s) incorporating these conditions.

The Federal Reserve Bank is responsible for approving each proposed Fedwire third-party access arrangement. In a proposed arrangement in which the participant is not affiliated through at least 80 percent common ownership with the service provider and where the participant is owned by one of the 50 largest bank holding companies (based on consolidated assets), the Directors of the Division of Reserve Bank Operations and Payment Systems and the Division of Banking Supervision and Regulation must concur with the arrangement.

By order of the Board of Governors of the Federal Reserve System, August 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-20136 Filed 8-14-95; 8:45 am]

**BILLING CODE 6210-01-P**

<sup>1</sup> This policy applies to third-party access arrangements in which an office of the participant located outside the United States acts as service provider by initiating, receiving, or otherwise processing Fedwire transfers on behalf of the U.S. participant.

<sup>2</sup> In cases where a U.S. branch of a foreign bank wishes to be a participant in an arrangement subject to this policy, and its board of directors has a more limited role in the bank's management than a U.S. board, the role and responsibilities of the service provider should be reviewed by senior management at the foreign bank's head office that exercises authority over the foreign bank equivalent to the authority exercised by a board of directors over a U.S. depository institution.

<sup>3</sup> The U.S. federal depository institution regulatory agency(ies) must be able to examine any aspects of the service provider as may be necessary to assess the adequacy of the operations and financial condition of the service provider.

# Reader Aids

## Federal Register

Vol. 60, No. 157

Tuesday, August 15, 1995

### CUSTOMER SERVICE AND INFORMATION

#### Federal Register/Code of Federal Regulations

|                                                     |                     |
|-----------------------------------------------------|---------------------|
| General Information, indexes and other finding aids | <b>202-523-5227</b> |
| Public inspection announcement line                 | <b>523-5215</b>     |

#### Laws

|                                           |                 |
|-------------------------------------------|-----------------|
| Public Laws Update (numbers, dates, etc.) | <b>523-6641</b> |
|-------------------------------------------|-----------------|

#### Presidential Documents

|                                    |                 |
|------------------------------------|-----------------|
| Executive orders and proclamations | <b>523-5227</b> |
|------------------------------------|-----------------|

#### The United States Government Manual

**523-5227**

#### Other Services

|                                         |                 |
|-----------------------------------------|-----------------|
| Electronic and on-line services (voice) | <b>523-4534</b> |
| Privacy Act Compilation                 | <b>523-3187</b> |
| TDD for the hearing impaired            | <b>523-5229</b> |

### ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202-275-0920**

### FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

**NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT.** Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301-713-6905**

### FEDERAL REGISTER PAGES AND DATES, AUGUST

|             |    |
|-------------|----|
| 39101-39240 | 1  |
| 39241-39624 | 2  |
| 39625-39834 | 3  |
| 39835-40052 | 4  |
| 40053-40258 | 7  |
| 40259-40452 | 8  |
| 40453-40736 | 9  |
| 40737-40992 | 10 |
| 40993-41792 | 11 |
| 41793-42024 | 14 |
| 42025-42424 | 15 |

### CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

|              |      |       |
|--------------|------|-------|
| <b>3 CFR</b> | 1079 | 41833 |
|              | 1280 | 40313 |

#### Proclamations:

|      |       |
|------|-------|
| 6814 | 40451 |
| 6815 | 40736 |

#### Executive Orders:

|       |       |
|-------|-------|
| 12967 | 39623 |
| 12968 | 40245 |
| 12969 | 40989 |

#### Administrative Orders:

Memorandums:

|                 |       |
|-----------------|-------|
| August 8, 1995  | 41791 |
| August 10, 1995 | 42023 |

#### Presidential Determinations:

|                            |       |
|----------------------------|-------|
| No. 95-32 of July 28, 1995 | 40255 |
| No. 95-33 of July 31, 1995 | 40257 |

#### 4 CFR

|    |       |
|----|-------|
| 21 | 40737 |
|----|-------|

#### 5 CFR

|      |       |
|------|-------|
| 316  | 39101 |
| 532  | 40744 |
| 1201 | 40744 |

#### Proposed Rules:

|      |       |
|------|-------|
| 2421 | 39878 |
| 2422 | 39878 |

#### 7 CFR

|      |                            |
|------|----------------------------|
| 51   | 39241                      |
| 301  | 39101, 39835, 40053, 40993 |
| 319  | 39101                      |
| 400  | 40054, 40055               |
| 401  | 40055                      |
| 402  | 40055                      |
| 404  | 40055                      |
| 800  | 39242                      |
| 905  | 40056                      |
| 922  | 39104                      |
| 923  | 39104                      |
| 924  | 39104                      |
| 929  | 40745                      |
| 931  | 40058                      |
| 948  | 39105, 40259               |
| 959  | 40747                      |
| 981  | 40059                      |
| 982  | 40061                      |
| 984  | 40063                      |
| 989  | 39837                      |
| 993  | 39107                      |
| 1126 | 40260                      |

#### Proposed Rules:

|      |              |
|------|--------------|
| 58   | 40115        |
| 273  | 40311        |
| 319  | 39888, 39889 |
| 987  | 40116        |
| 1030 | 41833        |
| 1065 | 41833        |
| 1068 | 41833        |
| 1076 | 41833        |

#### 8 CFR

|     |       |
|-----|-------|
| 103 | 40064 |
| 212 | 40064 |
| 217 | 40064 |
| 235 | 40064 |
| 264 | 40064 |
| 286 | 40064 |

#### 9 CFR

|     |       |
|-----|-------|
| 160 | 39840 |
| 161 | 39840 |

#### Proposed Rules:

|     |       |
|-----|-------|
| 94  | 39890 |
| 308 | 41029 |
| 310 | 41029 |
| 318 | 41029 |
| 320 | 41029 |
| 325 | 41029 |
| 326 | 41029 |
| 327 | 41029 |
| 381 | 41029 |

#### 10 CFR

#### Proposed Rules:

|     |              |
|-----|--------------|
| 20  | 40117        |
| 30  | 40117        |
| 40  | 40117        |
| 50  | 40117        |
| 51  | 40117        |
| 60  | 42079        |
| 70  | 40117        |
| 72  | 40117, 42079 |
| 73  | 42079        |
| 75  | 42079        |
| 490 | 40539        |
| 600 | 40323        |

#### 12 CFR

|     |              |
|-----|--------------|
| 3   | 39226, 39490 |
| 6   | 39226        |
| 208 | 39226, 39490 |
| 225 | 39226        |
| 325 | 39226, 39490 |
| 565 | 39226        |
| 567 | 39226, 42025 |
| 611 | 42029        |
| 618 | 42029        |
| 620 | 42029        |

#### Proposed Rules:

|     |       |
|-----|-------|
| 3   | 39495 |
| 208 | 39495 |
| 325 | 39495 |
| 327 | 40776 |
| 701 | 39273 |
| 741 | 39274 |

#### 14 CFR

|    |                                                  |
|----|--------------------------------------------------|
| 25 | 39625, 42029                                     |
| 39 | 39243, 39245, 39627, 39628, 39631, 39633, 39635, |



|                                                                     |                                            |                                                                                                           |                                                                     |
|---------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 39637, 39842, 40748, 40750,<br>40753, 40755, 40993, 41793,<br>41795 | 178.....39648                              | 515.....39255                                                                                             | 180.....40498, 40500, 40503                                         |
| 71.....39247, 39638, 39639,<br>40069, 41798, 41799, 42031           | 510.....39846, 40454, 40455                | <b>Proposed Rules:</b>                                                                                    | 185.....40503                                                       |
| 73.....40994                                                        | 520.....39846, 40454                       | 1.....40797                                                                                               | 195.....41813                                                       |
| 97.....40070, 40071                                                 | 522.....39846                              | 103.....39665                                                                                             | 258.....40104                                                       |
| 189.....39614                                                       | 529.....40455                              | <b>32 CFR</b>                                                                                             | 261.....41817                                                       |
| <b>Proposed Rules:</b>                                              | 524.....39846                              | 92.....40277                                                                                              | 271.....41818, 42046                                                |
| 1.....41160                                                         | 558.....39846, 39847                       | <b>Proposed Rules:</b>                                                                                    | 712.....39654                                                       |
| 39.....40118, 40782, 40783,<br>41030, 41868                         | <b>Proposed Rules:</b>                     | 220.....39285                                                                                             | <b>Proposed Rules:</b>                                              |
| 61.....41160                                                        | 801.....41314                              | <b>33 CFR</b>                                                                                             | Ch. I.....39668                                                     |
| 71.....39280, 39893, 39894,<br>40020, 40227                         | 803.....41314                              | 100.....40096                                                                                             | 9.....41870                                                         |
| 121.....41992                                                       | 804.....41314                              | 117.....40097                                                                                             | 51.....39297                                                        |
| 125.....41992                                                       | 897.....41314                              | 126.....39788                                                                                             | 52.....39298, 39907, 39910,<br>39911, 40139, 40338, 40799,<br>42130 |
| 127.....41992                                                       | <b>22 CFR</b>                              | 127.....39788                                                                                             | 60.....41870                                                        |
| 135.....41992                                                       | 41.....42034                               | 137.....39849                                                                                             | 61.....39299                                                        |
| 141.....41160                                                       | 213.....40456                              | 165.....40458, 41017, 41018                                                                               | 70.....39911, 40140                                                 |
| 143.....41160                                                       | <b>24 CFR</b>                              | <b>Proposed Rules:</b>                                                                                    | 80.....40009                                                        |
| 145.....41992                                                       | 25.....39236                               | 1.....39130                                                                                               | 81.....39298, 39911, 40338                                          |
| <b>15 CFR</b>                                                       | 26.....39236                               | 117.....39287, 40138                                                                                      | 180.....39299, 39302, 40545                                         |
| 902.....39248                                                       | 202.....39236                              | 165.....40543                                                                                             | 185.....39302                                                       |
| 905.....39249                                                       | 300.....42012                              | 183.....40545                                                                                             | 194.....39131                                                       |
| <b>Proposed Rules:</b>                                              | 310.....42012                              | <b>34 CFR</b>                                                                                             | 258.....40799                                                       |
| 801.....40336                                                       | 320.....42012                              | 76.....41286                                                                                              | 260.....41870                                                       |
| 806.....39128                                                       | 330.....42012                              | 366.....39216                                                                                             | 262.....41870                                                       |
| 944.....40540                                                       | 340.....42012                              | 667.....41286                                                                                             | 264.....41870                                                       |
| 990.....39804                                                       | 350.....42012                              | 668.....42408                                                                                             | 265.....41870                                                       |
| <b>16 CFR</b>                                                       | 360.....42012                              | <b>Proposed Rules:</b>                                                                                    | 270.....41870                                                       |
| 3.....39640                                                         | 370.....42012                              | 345.....40688                                                                                             | 271.....41870                                                       |
| 14.....42031                                                        | 380.....42012                              | <b>36 CFR</b>                                                                                             | 300.....41051                                                       |
| 234.....40262                                                       | 390.....42012                              | 7.....39257                                                                                               | 302.....40042                                                       |
| 237.....40263                                                       | 395.....42012                              | 242.....40569, 40461                                                                                      | 355.....40042                                                       |
| 242.....40265                                                       | 888.....42222, 42230                       | 1253.....40416                                                                                            | 372.....39132                                                       |
| 248.....40267                                                       | <b>Proposed Rules:</b>                     | <b>Proposed Rules:</b>                                                                                    | 433.....40145                                                       |
| 252.....40453                                                       | 888.....42290                              | 13.....40798                                                                                              | 438.....40145                                                       |
| 800.....40704                                                       | <b>26 CFR</b>                              | 242.....42085                                                                                             | 464.....40145                                                       |
| 803.....40704                                                       | 1.....39649, 40075, 40997                  | 1415.....39905                                                                                            | <b>41 CFR</b>                                                       |
| 1117.....41799                                                      | 31.....39109                               | <b>37 CFR</b>                                                                                             | Ch. 114.....39864                                                   |
| 1500.....40785, 41801                                               | 40.....40079                               | 1.....41018                                                                                               | <b>42 CFR</b>                                                       |
| <b>17 CFR</b>                                                       | 48.....40079                               | 2.....41018                                                                                               | 409.....39122                                                       |
| 30.....41802                                                        | 301.....39652, 40086                       | 7.....41018                                                                                               | 411.....41914                                                       |
| 200.....39643                                                       | 602.....40079, 40997                       | 401.....41811                                                                                             | 484.....39122                                                       |
| 240.....40994                                                       | <b>Proposed Rules:</b>                     | <b>Proposed Rules:</b>                                                                                    | <b>Proposed Rules:</b>                                              |
| <b>Proposed Rules:</b>                                              | 1.....39896, 39902, 40792,<br>40794, 40796 | 1.....41035, 42352                                                                                        | 412.....39304                                                       |
| 270.....39574, 39592                                                | 301.....39903                              | 3.....42352                                                                                               | 413.....39304                                                       |
| 274.....39574                                                       | <b>28 CFR</b>                              | 5.....42352                                                                                               | 424.....39304                                                       |
| <b>18 CFR</b>                                                       | 2.....40092, 40094, 40270                  | <b>38 CFR</b>                                                                                             | 485.....39304                                                       |
| 35.....39251                                                        | <b>29 CFR</b>                              | 2.....40756                                                                                               | 489.....39304                                                       |
| 284.....39252                                                       | 20.....41016                               | <b>39 CFR</b>                                                                                             | <b>43 CFR</b>                                                       |
| <b>Proposed Rules:</b>                                              | 1910.....40457                             | 111.....39111                                                                                             | <b>Public Land Orders:</b>                                          |
| 284.....39895                                                       | 1926.....39254                             | <b>40 CFR</b>                                                                                             | 7149.....39655                                                      |
| <b>19 CFR</b>                                                       | 2200.....41805                             | 9.....40474                                                                                               | 7150.....39655                                                      |
| 101.....41804                                                       | 2606.....39848                             | 51.....40098, 40465                                                                                       | 7153.....42067                                                      |
| 122.....41804                                                       | 2609.....39848                             | 52.....39115, 39258, 39851,<br>39855, 39857, 40101, 40285,<br>40286, 40291, 40292, 40465,<br>40758, 42042 | <b>44 CFR</b>                                                       |
| 132.....39108                                                       | 2619.....42037                             | 61.....39263                                                                                              | 64.....39123                                                        |
| 191.....40995                                                       | 2676.....42037                             | 70.....39862, 40101, 42045                                                                                | 65.....39865, 39867                                                 |
| <b>20 CFR</b>                                                       | <b>Proposed Rules:</b>                     | 75.....40295                                                                                              | 67.....39868                                                        |
| 335.....40073                                                       | 1910.....39281                             | 80.....40006                                                                                              | <b>Proposed Rules:</b>                                              |
| <b>Proposed Rules:</b>                                              | 2510.....39208                             | 81.....39115, 39258, 39857,<br>40297                                                                      | 10.....39694                                                        |
| 416.....40542                                                       | 2615.....41033                             | 82.....40420                                                                                              | 67.....39912                                                        |
| <b>21 CFR</b>                                                       | <b>30 CFR</b>                              | 86.....39264, 40474                                                                                       | <b>45 CFR</b>                                                       |
| 73.....41805                                                        | 901.....42040                              | 93.....40098                                                                                              | 11.....40505                                                        |
| 175.....39645                                                       | 946.....40271                              | 122.....40230                                                                                             | 1355.....40505                                                      |
| 176.....39645                                                       | <b>Proposed Rules:</b>                     | 124.....40230                                                                                             | <b>46 CFR</b>                                                       |
| 177.....39647, 40073                                                | 206.....40120, 40127                       | 136.....39586                                                                                             | 30.....39267, 40227, 41157                                          |
|                                                                     | 250.....41034                              |                                                                                                           | 67.....40238                                                        |
|                                                                     | 256.....41034                              |                                                                                                           | 150.....39267, 40227, 41157                                         |
|                                                                     | <b>31 CFR</b>                              |                                                                                                           | 160.....39268                                                       |
|                                                                     | 0.....42042                                |                                                                                                           | <b>Proposed Rules:</b>                                              |
|                                                                     |                                            |                                                                                                           | 5.....39306                                                         |

|                                                                                   |                |                             |                                                                     |
|-----------------------------------------------------------------------------------|----------------|-----------------------------|---------------------------------------------------------------------|
| 10.....39306                                                                      | 610.....39661  | 2810.....40108              | 1220.....40548                                                      |
| 12.....39306, 40145                                                               | 613.....39661  | 2812.....40108              | 1312.....39143                                                      |
| 15.....39306                                                                      | 616.....39661  | 2813.....40108              |                                                                     |
| 16.....40145                                                                      | 619.....39661  | 2814.....40108              |                                                                     |
| <b>47 CFR</b>                                                                     | 625.....39661  | 2815.....40108              | <b>50 CFR</b>                                                       |
| 1.....39268, 39656, 40712                                                         | 636.....39661  | 2816.....40108              | 2.....40301                                                         |
| 2.....39657                                                                       | 637.....39661  | 2817.....40108              | 100.....40459, 40461                                                |
| 15.....40760                                                                      | 653.....39661  | 2828.....40108              | 204.....39248                                                       |
| 26.....40712                                                                      | 939.....39871  | 2829.....40108              | 210.....39271                                                       |
| 64.....42068                                                                      | 1801.....40508 | 2830.....40108              | 216.....39271                                                       |
| 68.....42068                                                                      | 1803.....40508 | 2832.....40108              | 250.....39271                                                       |
| 73.....39127, 39659, 40105,<br>40301, 40761, 41027, 42069                         | 1804.....40508 | 2833.....40108              | 270.....39271                                                       |
| 87.....40227                                                                      | 1805.....40508 | 2835.....40108              | 301.....39663, 40227                                                |
| 90.....39660                                                                      | 1808.....40508 | 2845.....40108              | 604.....39271                                                       |
| <b>Proposed Rules:</b>                                                            | 1809.....40508 | 2852.....40108              | 625.....40113                                                       |
| 1.....39134                                                                       | 1810.....40508 | 2870.....40108              | 640.....41828                                                       |
| 61.....39136                                                                      | 1812.....40508 | <b>Proposed Rules:</b>      | 661.....39991, 40302                                                |
| 64.....39136                                                                      | 1814.....40508 | 209.....40146               | 662.....40303                                                       |
| 69.....39136                                                                      | 1815.....40508 | 216.....40146               | 663.....39875                                                       |
| 73.....39141, 39142, 39143,<br>39308, 40146, 40812, 40813,<br>40814, 41870, 42130 | 1819.....40508 | 217.....40146               | 671.....40763                                                       |
| <b>48 CFR</b>                                                                     | 1822.....40508 | 246.....40146               | 672.....40304, 40763                                                |
| Ch. II.....40105                                                                  | 1825.....40508 | 252.....40146               | 673.....42070                                                       |
| 206.....40106                                                                     | 1827.....40508 | <b>49 CFR</b>               | 675.....39877, 40304, 40763                                         |
| 207.....40106                                                                     | 1829.....40508 | 171.....39608, 40030        | 676.....40304, 40763                                                |
| 215.....40106                                                                     | 1831.....40508 | 172.....39608, 39991, 40030 | 677.....40763                                                       |
| 219.....40106, 41157                                                              | 1833.....40508 | 173.....40030               | <b>Proposed Rules:</b>                                              |
| 227.....41157                                                                     | 1835.....40508 | 178.....40030               | 17.....39309, 39314, 39326,<br>39337, 40149, 40339, 40549,<br>42140 |
| 235.....40107                                                                     | 1837.....40508 | 192.....41821               | 23.....39347                                                        |
| 252.....40106                                                                     | 1839.....40508 | 390.....40761               | 100.....42085                                                       |
| 501.....40107                                                                     | 1846.....40508 | 571.....41028               | 402.....39921                                                       |
| 519.....39660                                                                     | 1849.....40508 | 575.....39269               | Ch. VI.....40340, 40815                                             |
| 552.....39660                                                                     | 1850.....40508 | 653.....39618               | 638.....40150                                                       |
| 601.....39661                                                                     | 1852.....40508 | 654.....39618               | 642.....39698                                                       |
| 602.....39661                                                                     | 1853.....40508 | 800.....40111               | 646.....40815                                                       |
| 605.....39661                                                                     | 1870.....40508 | 830.....40111               | 649.....40341                                                       |
| 606.....39661                                                                     | 2801.....40108 | 831.....40111               | 650.....40341                                                       |
| 609.....39661                                                                     | 2802.....40108 | 1023.....39874              | 651.....40341                                                       |
|                                                                                   | 2804.....40108 | <b>Proposed Rules:</b>      | 663.....39144                                                       |
|                                                                                   | 2805.....40108 | 5.....39919                 | 697.....39700                                                       |
|                                                                                   | 2807.....40108 | 571.....39308               |                                                                     |
|                                                                                   | 2808.....40108 | 1051.....40548              |                                                                     |
|                                                                                   | 2809.....40108 |                             |                                                                     |