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Vol. 49 No. 130
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Thursday
July 5, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Endangered and Threatened Species
Fish and Wildlife Service

Fisheries
National Oceanic and Atmospheric Administration

Food Grades and Standards
National Oceanic and Atmospheric Administration

Housing
Housing and Urban Development Department

Manufactured Homes
Housing and Urban Development Department

Marketing Agreements
Agricultural Marketing Service

Mortgage Insurance
Housing and Urban Development Department

Organization and Functions (Government Agencies)
Food and Drug Administration

Rent Subsidies
Housing and Urban Development Department

CONTINUED INSIDE

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Selected Subjects

Contents

Federal Register
Vol. 49, No. 130
Thursday, July 5, 1984

Separate Parts in This Issue

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.

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.

7 CFR
354 27487
658 27716
Proposed Rules:
Ch. IX 27524

12 CFR
304 27487

21 CFR
5 27489
436 27489
Proposed Rules:
510 27543

24 CFR
207 27489
255 27489
888 27658
Proposed Rules:
201 27553
590 27572

30 CFR
773 27493
870 27493
901 27500
935 27505
942 27506
Proposed Rules:
920 27582

40 CFR
52 27507
124 27508
Proposed Rules:
52 (2 documents) 27583, 27584
271 27585

41 CFR
Ch. 201 27509

47 CFR
73 27509

50 CFR
17 27510
267 27514
611 27518
630 27521
663 27518
672 27521
674 27522

Rules and Regulations

Federal Register
Vol. 49, No. 130
Thursday, July 5, 1984

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error contained in final regulations establishing charges for reimbursable overtime work performed by Plant Protection and Quarantine Officers at ports of entry, which were published March 29, 1984, (49 FR 12185).

FOR FURTHER INFORMATION CONTACT: John C. Frey, Classification, Employment and Executive Resources Program, Human Resources Division, Animal and Plant Health Inspection Service, USDA, Room 219—Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5591.

SUPPLEMENTARY INFORMATION: In FR Doc. 84–8465, on page 12186, second column, starting with the third from the last line in § 354.1(a)(1), the phrase "or any other period will be $16.44 per hour, which charges exclude administrative overhead charges" is corrected to read: "or any other period will be $16.64 per hour, which charges exclude administrative overhead charges".

Dated: June 26, 1984.

James O. Lee, Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 84–17762 Filed 7–3–84; 8:45 am]
BILLING CODE 3410–34–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR PART 304

Reporting Requirements on Deposits Placed by Deposit Brokers and Financial Institutions

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Interim final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") has adopted an interim final regulation requiring each FDIC-insured bank with combined brokered deposits and fully insured deposits of financial institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits to report holdings of such deposits to the FDIC for every month in which such excess exists. The purpose of this regulation is to provide the FDIC with more frequent information on each FDIC-insured bank's involvement with brokered deposits and fully insured deposits of financial institutions.

The FDIC has issued this regulation without the normal comment period because it deems the misuse of such deposits by the depository institutions industry to be of significant danger to the federal deposit insurance system to warrant immediate action. In order to obtain public comment on the matters addressed in this regulation, however, the FDIC has issued this rule on a temporary basis with an expiration date of January 15, 1985. The FDIC has asked that comments be provided to the FDIC within sixty days after the publication date of the interim final rule. It is anticipated that before January 15, 1985, the FDIC will issue a final rule on this topic which will be reflective of the public comments received during the comment period.

EFFECTIVE DATE: August 6, 1984, with the first required filing, if applicable, within ten days after July 31, 1984. Comments must be received by September 4, 1984.

ADDRESS: Comments should be directed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be delivered to Room 6108 on weekdays between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert F. Storch, Examination Specialist, or Jesse G. Snyder, Assistant Director, Federal Deposit Insurance Corporation, Division of Bank Supervision, (202) 389–4761 or 389–4141, 550–17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

On March 26, 1984, the FDIC issued a joint regulation with the Federal Home Loan Bank Board limiting the insurance coverage of funds placed with an insured depository institution either by or through a deposit broker. 49 FR 13003 (1984). The regulation was to take effect on October 1, 1984. The FDIC promulgated the brokered deposits regulation because it deems deposit brokerage to be a misuse of the federal deposit insurance system and a significant threat to the federal deposit insurance fund. The **Federal Register** publication on the brokered deposits regulation explains in detail the FDIC's concerns about deposit brokerage and provides ample data to show that the use of brokered deposits has been extremely costly to the FDIC in handling recent bank failures and poses a growing threat in troubled institutions. *Id.*

On the same day the FDIC issued the brokered deposits regulation, court action was brought to nullify the regulation. On June 20, 1984, the Federal District Court for the District of Columbia ruled that the regulation was illegal, concluding that the FDIC (and the Federal Home Loan Bank Board) had exceeded statutory boundaries in imposing insurance limitations on brokered deposits. The FDIC intends to pursue an appeal of the Court's decision. In the meantime, deposit brokerage continues to present a clear and present danger to the insurance system as deposit brokers continue to exploit and abuse federal deposit insurance coverage. Moreover, many financial institutions, such as credit unions, place fully insured funds directly with banks based solely on the rate of interest paid without regard to the financial condition of the institutions. This, too, presents a serious threat to the deposit insurance system.

For these reasons, it is necessary that the FDIC accumulate more frequent

information from insured banks on brokered deposits and fully insured deposits placed directly by financial institutions. At present the FDIC obtains limited information on brokered deposits from quarterly Reports of Condition from insured banks, but the speed with which large dollar amounts of brokered funds are transmitted requires increased monitoring of such activity. No information is presently collected on full insured deposits placed by financial institutions. With this monthly information the FDIC hopes to mitigate somewhat the harms caused by such deposits by determining on a regular basis what banks are using such funds and to what use those funds are being put. This increased monitoring effort, however, will not solve the problems posed; it will merely assist the FDIC in identifying institutions which may be developing or experiencing financial difficulties. A permanent solution to the problems caused by deposit brokerage and by the direct placement of fully insured funds by financial institutions is yet to be put in place.

Once the FDIC obtains information required to be reported by this section it will review the financial soundness of the banks filing such reports. For banks exhibiting problems of safety or soundness, the FDIC will take the appropriate regulatory actions under section 8 of the Federal Deposit Insurance Act. 12 U.S.C. 1818. If special examinations are necessary to determine whether safety or soundness problems exist, the FDIC will perform such examinations pursuant to the authority found in section 10(b) of the Federal Deposit Insurance Act. 12 U.S.C. 1820(b). Banks which fail to comply with this regulation will be subject to fines prescribed by the Federal Deposit Insurance Act.

Explanation of the Regulation

The regulation is in the form of an addition to Part 304 of the FDIC's regulations, "Forms, Instructions, and Reports." 12 CFR Part 304. It requires that all insured banks report to the FDIC regional director in the FDIC region where the bank is located the amount of brokered deposits and fully insured deposits placed directly by financial institutions held by the bank at the end of each month. The report is required, however, only if the sum of such deposits at the end of a given month is in excess of either the bank's total capital and reserves or five percent of the bank's total deposits. No report is necessary when the total of a bank's brokered deposits and fully insured deposits placed by financial institutions at the end of a month is not greater than either of the specified dollar amounts. When such reports are required they must be filed within ten days after the end of the month in which the amount of such deposits exceeds either the bank's total capital and surplus or five percent of total deposits. The definitions of the key terms in the regulation are the same as those found in the *Instructions for Consolidated Reports of Condition and Income.*

The regulation becomes effective August 6, 1984, with the first required filing, if applicable, within ten days after July 31, 1984.

Procedural Requirements

The FDIC deems it essential that this regulation be implemented as soon as possible. This is so because deposit brokerage and the direct placement of fully insured deposits by financial institutions have resulted in significantly increased costs to the FDIC in handling failed and failing insured banks. It is feared that the use of brokered deposits by marginal institutions will escalate as a result of the United States District Court's ruling that the deposit brokerage regulation is unlawful. Monthly reporting by insured banks using a significant amount of brokered deposits and fully insured deposits of financial institutions will assist the FDIC in identifying banks which may be experiencing or developing safety and soundness difficulties. For these reasons, the FDIC finds good cause for not publishing this regulation as a proposed rule with the opportunity for public comment. Hence, the FDIC Board of Directors has determined that adherence to the public notice and participation requirements of section 553(b) of title 5 of the United States Code would be impracticable and contrary to the public interest. 5 U.S.C. 553(b). In order to obtain public comment on the subject matter of this rule, however, the FDIC has issued this regulation on a temporary basis with an expiration date of January 15, 1985. The FDIC hereby solicits comments on the substance of this interim regulation for sixty days after the publication of the rule in the **Federal Register.** Comments are specifically requested on the adequacy of monthly reports, the scope of the information to be reported, the means of reporting the information and steps to be taken once the reported information is assimilated.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the Board of Directors hereby certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule only establishes a monthly reporting requirement on all FDIC-insured banks with brokered deposits and deposits placed directly by financial institutions that exceed specified levels and does not affect or limit a bank's operations. Inasmuch as the data required by this reporting regulation are currently collected by banks for quarterly reports, the additional burden placed upon most institutions by this requirement is not significant. Also, because the total of such categories of deposits does not yet constitute a significant portion of total deposits of most insured institutions, the rule's reporting requirement is not expected to affect a significant number of banks. The monthly reporting requirement contained in this rule was submitted to the Office of Management and Budget for review pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)).

The FDIC is promulgating this regulation under its authority granted in sections 7, 9 and 10(b) of the Federal Deposit Insurance Act. 12 U.S.C. 1817, 1819 and 1820(b).

Lists of Subjects in 12 CFR Part 304

Administrative practice and procedure; Bank deposit insurance; Banks, banking; Federal Deposit Insurance Corporation; Foreign banks, banking; Reporting and recordkeeping.

PART 304—FORMS INSTRUCTIONS AND REPORTS

Accordingly, the FDIC hereby amends Part 304 of the CFR as set forth below.

1. The authority citation for Part 304 is amended to read as follows:

Authority: 12 U.S.C. 1817, 1818, 1819, 1820.

2. Section 304.4 is added as follows:

§ 304.4 Report of brokered deposits and deposits placed by financial institutions.

(a) *Filing.* Within ten days after the end of each month, each insured bank shall report to the appropriate FDIC regional director the bank's total amount of brokered deposits and fully insured deposits placed directly by financial institutions as of the end of that month, if the sum of such deposits was in excess of either the bank's total capital and reserves or five percent of the bank's total deposits on such date. If such report is required by this section, it must be in letter form, signed by an executive officer of the bank, and must include data on the bank's total assets, total loans, total deposits, total capital and reserves and the range of rates paid on brokered deposits and deposits placed directly by financial institutions

during the reporting month. Figures may be rounded to the nearest thousand.

(b) *Definitions.* For purposes of this section:

(1) The terms "appropriate FDIC regional director" means the FDIC regional director in the FDIC region in which the insured bank is located;

(2) The terms "brokered deposits," "total deposits," "total assets," and "total loans" shall have the same meanings as those found in the *Instructions for Consolidated Reports of Condition and Income.*

(3) The term "total capital and reserves" means: (i) For banks other than savings banks, the sum of "total equity capital" and the "allowance for loan and lease losses," as those terms are defined in the *Instructions for Consolidated Reports of Condition and Income*, and (ii) for savings banks (mutual and stock), the sum of "total capital accounts" and the "allowance for possible loan losses" on real estate loans and all other loans, as those terms are defined in the Savings Banks Report of Condition (Form 8040/18), which is described in § 304.3(n) of this part.

(4) The term "fully insured deposits placed directly by financial institutions" means the time and savings deposits up to $100,000 (other than deposits placed by or through a deposit broker) deposited directly by any state or federally insured depository institution. This definition does not include situations where an insured depository institution has uninsured funds (excluding accrued and unpaid interest) placed with the bank.

(c) *Effective and termination dates.* The first report required under this section shall be filed within ten days after July 31, 1984. This section shall be effective until January 15, 1985.

By Order of the Board of Directors, July 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-17974 Filed 7-2-84; 4:48 pm]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organizations; Orphan Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations to clarify the delegations of authority relating to orphan products. The delegation of authority for issuance of notices inviting sponsorship for orphan products is being amended to make clear that the Office of Orphan Products Development may issue notices inviting submission of notices of claimed investigational exemption for human and animal drugs and applications for investigational device exemptions.

EFFECTIVE DATE: July 5, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Section 5.58(a) identifies the type of applications that may be submitted in support of sponsorship of orphan products. This amendment clarifies that delegations of authority pertaining to orphan products include authority for the Director, Office of Orphan Products Development, to issue notices inviting submission of notices of claimed investigational exemption for human and animal new drugs and applications for investigational device exemptions.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such positions in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.58(a) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.58 Orphan products.

(a) The Director, Office of Orphan Products Development, Office of the Commissioner, is authorized to issue notices, and amendments thereto, inviting sponsorship for orphan products (human and animal drugs, biological products, and medical devices) and submission of:

(1) Notices of claimed investigational exemption for a new drug or new drug applications;

(2) Notices of claimed investigational exemption for a new animal drug or new animal drug applications;

(3) Applications for establishment and product licenses for biological products; or

(4) Applications for an investigational device exemption or premarket approval applications for medical devices, as appropriate.

* * * * *

Effective date. This regulation shall become effective July 5, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: June 27, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-17706 Filed 7-3-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 436

[Docket No. 84N-0105]

Antibiotic Drugs; Cyclosporine

Correction

In FR Doc. 84-14454 beginning on page 22631 in the issue of Thursday, May 31, 1984, make the following correction:

§ 436.346 [Corrected]

On page 22632, first column, § 436.346(f)(3), the formula should have appeared as follows:

$$\underline{n} = 5.545 \left(\frac{\underline{t}}{\underline{W}^{0.5}} \right)^{2}$$

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207 and 255

[Docket No. R-84-1169; FR-1973]

Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects—Section 223(f)

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: Section 223(f) of the National Housing Act authorizes the Secretary of

Housing and Urban Development to insure mortgages executed in connection with the purchase and refinancing of an existing multifamily housing project. Activity under this 223(f) full insurance program has been moderate since its inception in 1975. It is anticipated that the program revisions effected by this rule will significantly enhance its attractiveness and workability. This rule revises 24 CFR Parts 207 and 255—Full Insurance and Coinsurance for Existing Multifamily Housing Projects—to (1) delete a requirement that, with respect to purchase transactions, all repairs be completed before loan closing; (2) permit coinsured lenders under Part 255 to extend commitment periods during a temporary lapse in the Secretary's authority to coinsure pursuant to that authority; (3) remove a special exception for the purchase of fire safety equipment and certain replacement items (such as ranges and refrigerators), thereby requiring these expenses to be counted against the "substantial rehabilitation" threshold; and (4) modify the term "major building components" for purposes of determining what constitutes "substantial rehabilitation" to exclude elevators as a major component.

DATES: *Effective date:* September 17, 1984.

Comment due date: August 6, 1984.

ADDRESSES: Communications concerning this rule should be identified by the above docket number and title and comments should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of written views or comments will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Office of Insured Multifamily Housing Developing, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Full Insurance Program

Section 223(f) of the National Housing Act authorizes the Secretary of Housing and Urban Development to insure mortgages executed in connection with the purchase and refinancing of an existing multifamily housing project. This may be full mortgage insurance, where HUD assumes the full risk of any loss, or coinsurance pursuant to section 244 of the NHA, where there is a sharing of risk with the lender. The guidelines applicable to the Department's 223(f) full insurance program are set forth at 24 CFR 207.32a. The mortgage executed to purchase or refinance the project must be insured under HUD's section 207 multifamily rental housing program. Activity under this 223(f) full insurance program has been moderate since its inception in 1975. It is anticipated that the program revisions effected by this rule will significantly enhance its attractiveness and workability.

Coinsurance Program

Section 244 of the National Housing Act authorizes the Secretary of Housing and Urban Development to insure, under any provision of title II of that Act, any mortgage otherwise eligible, under a coinsurance contract that provides that the lender (1) assume a percentage of any loss (and share in mortgage insurance premium income) and (2) carry out (subject to audit and review requirements) such delegated processing functions as the Secretary approves.

The Department has previously undertaken a number of coinsurance initiatives under the section 244 authority, including the issuance of regulations on July 2, 1980 adding a new Part 255 to title 24 of the CFR. Part 255 authorizes a program of "Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects". It permits qualified lending institutions to coinsure and perform delegated processing of mortgage loans on existing multifamily projects using sections 207 and 223(f) of the National Housing Act as the insuring authorities.

The original 1980 rule authorized a limited coinsurance program for supervised depository institutions. With publication of a substantially revised interim rule on March 31, 1982, HUD made private mortgage companies eligible as coinsuring lenders and provided special guarantees for GNMA designed to help provide a secondary market for coinsured mortgages. In response to public, as well as internal, comments on these revisions, HUD issued a further revision of Part 255 as an interim rule on May 25, 1983. This 1983 revision contained new provisions for full reinsurance to enhance the feasibility of mortgage banker participation, and also added State Housing Finance Agencies as eligible lenders. The changes were designed to make available to a full range of private and State Agency mortgage lenders a coinsurance program that facilitates the refinancing or purchase of existing rental housing, including housing requiring repairs.

Public response to the 1983 interim rule has been positive, both in terms of written public comments and program participation. Public comment and program experience, however, also disclosed a need for certain operational and technical changes which should be made in order to maintain program viability. This rule makes these desirable and necessary changes. The rule is limited to making only such interim changes as are urgently needed for continued effective program operation. The Department is currently carrying out an extensive evaluation of this program and a further revision, which will take into account all of the public comments we have received on the 1983 interim rule, can be anticipated in the near future in the form of a final rule.

Because the Department considers the program revisions made in this rule essential for continuing program effectiveness pending implementation of more comprehensive revisions in the form of a final rule, it is promulgating these changes as an interim rule. While the changes made in the rule should be noncontroversial, a public comment period of 30 days is provided in order that any comments received may be considered in conjunction with the promulgation of the final rule.

Description of Rule

First, this rule deletes the section 223(f) program requirement that any repairs carried out in connection with a purchase transaction be completed before loan closing. Program participants in both 223(f) full insurance and coinsurance have found this requirement particularly cumbersome in purchase transaction, where the issue of required repairs must be resolved between seller and purchaser with no assurance that endorsement as a 223(f) full or coinsured project will occur. This change would be particularly beneficial to the Department since the purchaser is interested in effecting a quality repair program, whereas the seller may be primarily interested in a cosmetic repair program to facilitate the sale. This rule revises 24 CFR 207.27(a), 207.32a(a), 255.201, 255.235(a) and 255.401 to effect this necessary program change.

Second, this rule deletes a provision in 24 CFR 255.103 which currently precludes any extension by the lender of a coinsurance commitment period during any temporary lapse of the Secretary's authority to coinsure mortgages. This is essentially a technical correction which conforms HUD policy in the coinsurance area to what is already fixed policy in the full

insurance programs. It would be patently unfair to require a reopening fee for a commitment that expired during such a lapse, since the lapse is totally beyond the sponsor's control. The rule also, for purposes of clarity, revises the wording of the section, but not in a manner which changes its substance.

Finally, this rule redefines the description of what will be considered "substantial rehabilitation" contained in 24 CFR 207.24(c), 207.32a(f), and 255.228(c). A special exemption for the purchase of fire safety equipment and certain replacement items, such as ranges and refrigerators, is removed, thereby requiring that these expenses be counted against the "substantial rehabilitation" threshold. The Department believes that the special exemptions are unnecessary in light of the increased per-unit dollar limit and the addition of a high-cost factor in the determination of what will be considered "substantial rehabilitation." The term "major building components" is also modified to exclude elevators as a major component. The Department believes that the replacement of elevators is not of the same magnitude as the replacement of other building components listed in the rule, and that their replacement should not count as the replacement of a major component for purposes of determining whether "substantial rehabilitation" is taking place.

Public comments on these revisions are invited and will be taken into account before the issuance of a final rule and in making any further conforming changes to related HUD rules. The goal of the Department is publication of a final rule that will take effect before adjournment of the current Congress.

Procedural Requirements

This rule was listed as item H–65–83 in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15923), under Executive Order 12291 and the Regulatory Flexibility Act.

The catalog of Federal Domestic Assistance program number is 14.155, Mortgage Insurance for the Purchasing or Refinancing of Existing Multifamily Housing Projects.

Under 5 U.S.C. 605(b) (The Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The technical changes made by the rule should prove equally beneficial to both small and large program participants, but both their impact on a particular coinsured mortgage transaction and the number of small entities affected is expected to be small.

Comments are requested from interested persons on any aspect of this rule and especially upon (1) the impact the program authorized by this Part might have on the availability of mortgage credit to borrowers dependent on mortgage insurance provided under sections of the National Housing Act other than section 244 and (2) the flow of credit to older, declining neighborhoods and to purchasers of older and low-cost housing. The comment period will provide the mortgage lending industry an adequate opportunity to make its views known, and the receipt and consideration of the comments will be considered the consultation with the industry required by section 244(c) of the National Housing Act. All comments from the industry, and from any other interested persons on these and other subjects relevant to the rule will be carefully considered before final regulations are adopted.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 255

Mortgage insurance.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Accordingly, Parts 207 and 255 of title 24 of the Code of Federal Regulations are amended as follows:

1. Paragraph (c) of § 207.24 is amended by removing paragraph (c)(3), and by revising paragraph (c)(2) to read as follows:

§ 207.24 Development of property.

* * * * *

(c) * * *

(2) For purposes of this paragraph, the term "high-cost area factor" refers to the percentage increases over basic dollar limitations per dwelling unit authorized in § 207.4(c). The term "major building component" includes roof structures; ceiling, wall, or floor structures; foundations; and plumbing, heating, air conditioning, or electrical systems.

2. The introductory text of paragraph (a) of § 207.27 is revised and a note is added at the end of the section to read as follows:

§ 207.27 Certificates of actual cost.

(a) The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and before final endorsement, except that in the case of a transaction involving the purchase of an existing property under § 207.32a, where the commitment provides for completion of specified repairs after endorsement as provided in § 207.32a(a), a supplemental certificate of actual cost will be submitted covering any such repairs. The certificate shall show the actual cost to the mortgagor, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, or partners, of:

* * * * *

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under OMB control number OMB 2502–0044.)

3. Paragraph (a)(1) of § 207.32a is revised and a note is added to the end of the section to read as follows:

§ 270.32a Eligibility of mortgages on existing projects.

* * * * *

(a) *Application, commitment, inspection and required fees*—(1) *Application.* An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by the sponsor and

an approved mortgagee. Such application shall be submitted to the local HUD office of an FHA approved form. No application shall be considered unless accompanied by the exhibits required by the form. An application may, at the option of the applicant, be submitted for a firm commitment omitting the conditional commitment stage. An application may be made only for a commitment that provides for the insurance of the mortgage upon completion of the improvements, except that with respect to purchase transactions, the commitment may provide, in accordance with standards established by the Commissioner, for the completion of specified repairs after endorsement.

* * * * *

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under OMB control number 2502-0029.)

4. In § 207.32a, paragraph (f)(4) is removed and reserved, and paragraph (f)(3) is revised to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(f) (1) * * *

(2) * * *

(3) For purposes of this paragraph (f), the term "high-cost area factor" refers to the percentage increases over basic dollar limitation per dwelling until authorized in § 207.4(c). The term "major building component" includes roof structures; ceiling, wall, or floor structures; foundations; and plumbing, heating, air conditioning, or electrical systems.

(4) [Reserved]

* * * * *

PART 255—COINSURANCE FOR THE PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS

5. Section 255.103 is revised to read as follows:

§ 255.103 Duration of approval.

Initial certification of a lender as an approved coinsurer under § 255.102 will be valid until the Secretary's authority to coinsure pursuant to this part shall have expired, unless such approval is withdrawn under § 255.104. A temporary lapse in the Secretary's authority to coinsure shall not terminate lenders' approved coinsurer status. However, lenders may not, during any such lapse, issue commitments, reopen expired commitments, or approve mortgage modifications.

6. Section 255.201 is revised to read as follows:

§ 255.201 Application.

The application for a commitment to make a coinsured mortgage loan on a project shall be submitted to the lender, as agent for the Secretary, by the sponsor of the project. The application shall be accompanied by such exhibits as may be required by the lender to enable the lender to comply with requirements for coinsurance of the mortgage established under this part. An application may be made only for a commitment that provides for the insurance of the mortgage upon completion of the improvements, except that with respect to purchase transactions, the commitment may provide, in accordance with standards established by the Commissioner, for the completion of specified repairs after endorsement.

7. In § 255.228, paragraph (d) is removed and reserved, and paragraph (c)(2) is revised to read as follows:

§ 255.228 Development of property.

* * * * *

(c) (1) * * *

(2) For purposes of this paragraph (c), the term "high-cost area factor" refers to the percentage increases over basic dollar limitations per dwelling unit authorized in § 255.211(a)(4). The term "major building component" includes roof structures; ceiling, wall, or floor structures; foundations; and plumbing, heating, air conditioning, or electrical systems.

(d) [Reserved]

* * * * *

8. Paragraph (a) of § 255.235 is revised and a note is added to the end of the section to read as follows:

§ 255.235 Certificate of actual cost—contents in general.

(a) *Submission of certificate.* The mortgagor's certificate of actual cost, in a form approved by the Commissioner, shall be submitted to the lender before endorsement and upon completion of the improvements to the satisfaction of the lender. In the case of a purchase transaction, where the commitment provides for the completion of specified repairs after endorsement as provided in § 255.201, a supplemental certificate of actual cost will be submitted covering such repairs. Cost certification is not required in those refinancing transactions where 70 percent of value is the controlling mortgage limitation.

* * * * *

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under OMB control number 2502-0044.)

9. Section 255.401 is revised to read as follows:

§ 255.401 Insurance endorsement of mortgage.

Upon compliance with a commitment, the Commissioner will insure the lender against a portion of losses resulting from nonpayment of the debt, evidencing the insurance by an appropriate endorsement placed on the original credit instrument, which will identify the regulations under which the loan is insured and the date of insurance. Except in the case of a purchase transaction where the commitment provides for the completion of specified repairs after endorsement as provided in § 255.201, the lender shall, to obtain insurance endorsement, certify to the completion of repairs and improvements, and inspections thereof. The lender shall also certify to the satisfaction of all conditions of the commitment, as evidenced by submission to the Commissioner of the commitment, and supporting documents, such as note, mortgage, and any other exhibits required by the terms of the commitment. The mortgage shall be insured from the date of the endorsement of the credit instrument by the Commissioner, HUD Area Manager, Service Office Supervisor or other designee. The Commissioner and the lender shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract and been executed relating to the insured mortgage, including the provisions of the regulations in this subpart and the provisions of the Act.

Authority: Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d).

Dated: June 14, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-17605 Filed 7-3-84; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 773 and 870

Abandoned Mine Reclamation Fund Fee Collection and Coal Production Reporting

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

ACTION: Final Rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has revised 30 CFR Part 870, regarding the Abandoned Mine Reclamation Fund, fee collection requirements and coal production reporting procedures. These changes provide further administrative and enforcement procedures and options for OSM to ensure a more efficient and effective collection effort. The changes include certain management activities for the collection of reclamation fees and provide a range of compliance activities that include investigations, reports, audits and debt collection and litigation procedures. The rule will also require as a permit condition the continued payment of reclamation fees for coal produced under the permit for sale, transfer or use.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Phyllis G. Thompson, Chief, Abandoned Mine Land Reclamation Division, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., NW., Room 5401–L, Washington, D.C. 20240, Telephone (202) 343–7937.

SUPPLEMENTARY INFORMATION:

I. Background

Title IV of The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq*, (SMCRA) establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. The program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal law.

Section 402 of SMCRA provides that "all operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the Fund, a reclamation fee of 35 cents per ton of coal produced by surface coal mining and 15 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine as determined by the Secretary, whichever is less, except that the reclamation fee for lignite coal shall be at a rate of 2 per centum of the value of the coal at the mine or 10 cents per ton, whichever is less." Reclamation fees are to be paid no later than 30 days after the end of each calendar quarter beginning with the first calendar quarter occurring after the date of enactment of SMCRA (August 3, 1977) and ending fifteen years after the date of enactment of SMCRA, unless extended by an Act of Congress.

On October 25, 1978, OSM published regulations implementing the Abandoned Mine Reclamation Program, 43 FR 49932. Regulations relating to the amount and collection of reclamation fees were promulgated in 30 CFR Part 837 on December 13, 1977, 42 FR 62713. This part was redesignated as Part 870, 43 FR 49932 (October 25, 1978). Certain provisions of the Abandoned Mine Reclamation Program regulations were revised on June 30, 1982, 47 FR 28574. On November 30, 1983, OSM published a proposed rule concerning the Abandoned Mine Reclamation Fund fee collection requirements and coal production reporting procedures. For a detailed discussion of the components of the fee collection program, refer to the preamble discussion in the AML Regulations published June 30, 1982, 47 FR 28574.

Numerous comments from the public and representatives of the States, industry, and environmental organizations were received and considered in this rulemaking process. All substantive comments received are addressed in the following preamble.

All comments received as well as the record of the public hearing held are available for inspection in the Administrative Record Room 5124, 1100 L Street, NW., Washington, DC.

II. Discussion of Comments and Rules Adopted

A. General Comments

Three commenters questioned DOI's determination that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. One of the three commenters suggested that the proposed rule would primarily affect small operators. This commenter contends that small operators have recently suffered considerable economic hardship, and that the burden of any decrease in coal production would fall on the small operators. OSM disagrees. It is OSM's opinion that the payment of reclamation fees is a statutorily mandated cost of doing business which creates no particular burden on small operators. The Determination of Effects, completed by OSM prior to proposing these rules, indicated that the annual effect on the economy would be less than one hundred million dollars. Moreover, since OSM has decided not to adopt proposed § 870.9, the economic impact of the final rules will be considerably less.

Two commenters expressed support for OSM's efforts to develop an effective system of fee collection.

B. Proposed § 870.9—Fee Responsibility

The new rule proposed in this Section would have specified the party responsible for reclamation fee payment on the basis of coal ownership without taking into consideration existing contractual agreements for sale or other disposition of the coal, or the payment of royalties and fees between the producer and third parties. OSM has elected not to adopt this proposed rule based on its review and evaluation of comments received.

Several commenters questioned OSM's authority to apply this new requirement retroactively to a number of entities not previously designated as responsible for the reclamation fee payment either by statute or existing regulation. In addition, one commenter contended that this would constitute a large financial burden on such companies, and considered OSM's proposed new definition of "operator" to be contrary to OSM's actions, procedures and past practices. This commenter further stated the OSM–1 (Coal Production and Reclamation Fee Report form) asks for the permit holder to include his State and Federal permit numbers with each return. The commenter stated that nowhere on the form, or in the instructions, is there any reference to the owner of the minerals when severed. This commenter also added that OSM has placed requirements on State permanent regulatory programs for applicants for new and renewal permits to submit proof of fee payment.

Another commenter recommended that the Act be amended to accomplish this substantive proposed change and to expand the scope of those parties responsible for fee payment to the party with economic interest in the mineral. This commenter further stated such an amendment should apply prospectively only, thereby protecting the rights of

parties already contracting with operators to mine coal or businesses who have entered into agreements anticipating reclamation fee costs would be borne by one party. A number of commenters questioned OSM's authority to supersede legally existing contracts or agreements, which would have resulted under the proposed regulation. One commenter suggested this proposed regulation would abrogate any lease agreement and disregard State contract law where existing leases designate the operator as the party responsible for governmental extractions and fees. One commenter recommended the party taking the depletion allowance should be the responsible party; this commenter added that the depletion allowance is taken by the operator or parties having operating interests in coal extraction. A few commenters stated the permittee should be the responsible party.

One commenter stated the Act and existing regulations clearly state that the operator is responsible for reclamation fees. This commenter further stated the operator pays the reclamation fees in the absence of written contracts clearly designating the person liable for paying reclamation fees. For these reasons this commenter considered the person who stands to benefit from the sale of the mineral not to be an issue.

OSM has reviewed and evaluated the concerns raised by these commenters and has chosen not to adopt the proposed provision on fee responsibility. OSM, instead, will continue to implement the policies set forth in the Abandoned Mine Land Program's initial rules published in 42 FR 62639 (December 13, 1977).

Section 402 of SMCRA requires that all operators pay a reclamation fee based on coal produced, and section 701(13) defines "operator" as the person. . . . engaged in coal mining who removes . . . the coal. OSM recognizes, however, that in light of the number and variety of business arrangements employed in the coal industry, the term operator is not limitd to the party which acutally removes the coal but is broad enough to include a party who controls or directs that removal. OSM believes that Congress intended the burden of fee payment to fall upon the person or persons who stand to benefit directly from the sale, transfer, or use of coal. As outlined in further detail below, this intent will continue to guide the office in making decisions as to who is liable for the fee. The identification will continue to be made in light of the realities of the business world and will not necessarily turn solely on a literal interpretation of the word "removes."

In the preamble discussion to the initial AML rules, OSM stated its intent to send a preprinted Coal Production and Reclamation Fee Report to all operators listed on the Mining Enforcement and Safety Administration's (MESA's) operator-mine indentification number list to avoid a dual identification system, and reduce administrative and recordkeeping costs to the government and the coal mine operators. Since the inception of this program, OSM has continued to use the operator-mine identification number, currently assigned by the Mine Health and Safety Administration (MSHA), as an identifier for persons or entities engaged in coal production under SMCRA.

Each operator-mine identified on the MSHA operator-mine identification list is sent a preprinted Coal Production and Reclamation Fee Report form OSM–1. OSM has decided to use this existing mechanism to identify the party responsible for filing production reports and payment of reclamation fees. OSM has revised this form, and accompanying instructions, to clearly identify the person or entity whose MSHA identification number appears on the OSM–1 as the party responsible for filing the OSM–1 and making payments of any owed reclamation fee.

If the person or entity identified by the MSHA operator-mine list notifies OSM in writing and produces documentary evidence that it has a business relationship with another person which makes that other person responsible for filing production reports and payment of reclamation fees, OSM then may require the other person to immediately file an amended OSM–1 form with the necessary information and to pay reclamation fees. If after being required to file the form and to pay the fees, the other person fails to file an OSM–1, or fails to pay owed reclamation fees, both the other person and the MSHA identified operator will be held jointly and severally liable for production reporting and reclamation fee payment. In the absence of requiring any other person to file forms and pay fees, OSM will continue to send the OSM–1 form and hold the MSHA operator liable for production report filing and payment of fees.

C. Section 870.15(c)—Post-Judgment Interest

OSM retains this Section as in the previous rule except that the phrase ". . . or until judgment is rendered by a court of competent jurisdiction in an action at law to compel payment of debts" is now removed to ensure that all parties understand that OSM reserves the right to collect post-judgment interest in all unpaid reclamation fee collection cases.

One commenter is in support of this change and three oppose it. The three who oppose it suggest that no interest should accrue where the liability for delinquent fee payments is the subject of ongoing litigation. OSM disagrees. It is OSM's position that the debt becomes due and payable at the time an audit discloses that fees are owing. OSM removed the phrase to clarify that interest will continue to run until the debt is paid. Contrary to what one commenter believes, OSM does not think this amendment will deter legitimate challenges. An operator whose challenge is entirely successful will not be assessed the fees or the interest.

OSM agrees with the comment that the proposed amendment should be applied prospectively only. This section will become effective 30 days following publication in the **Federal Register**.

D. Section 870.15(c), Interest Rate Payments

OSM has added a clarifying provision to § 870.15(c) regarding the accrual of interest on late payments to provide that interest will accrue on any payment postmarked later than thirty days after the end of the calendar quarter in which the fee was owed. This provision responds to questions that have been raised as to whether the previous ambiguous regulations required that OSM must have been in actual receipt of the payment by the 30th day or whether the payment must have been postmarked by that time in order to avoid the interest charges. This change provides that either is sufficient. In addition, OSM has made some minor editorial changes to the final rule for the sake of clarity.

OSM received one comment supporting use of the postmark date to establish "timely" payment compliance.

E. Section 870.15(e)—Fee Compliance Actions

OSM added a new subsection (e) which details new more stringent enforcement and collection efforts OSM may take against responsible persons for failure to pay overdue reclamation fees, including interest on late payments or underpayments, failure to maintain adequate records, failure to file required reports or failure to provide access to records by an operator subject to requirements of SMCRA. These options include: Initiation of litigation; reporting to the Internal Revenue Service, State agencies responsible for taxation, and

credit bureaus, and referrals to collection agencies. OSM has changed the proposed word "will" to "may" so that this section will authorize but not require OSM to undertake these actions. This change was made because in certain circumstances, such as failure to maintain records, a requirement to take one of the enumerated actions could be inappropriate. Under the provision as finally adopted, OSM may choose one or more of these specific alternatives to encourage compliance with the operator's statutory responsibilities under section 402 of SMCRA. OSM has also made some minor editorial changes to the final rule.

Moreover, OSM may take enforcement action based upon breach of a permit condition for nonpayment of reclamation fees where such a permit condition exists. This is reflected by the addition of a sentence that the prescribed remedies are not exclusive. Also, the payment of reclamation fees will be a condition of any new permanent program permit.

One commenter supported this new proposed section in spirit but recommended that OSM alter the language slightly to ensure that OSM undertakes some type of referral action to the state or federal taxation agency as well as initiating some form of enforcement action, i.e., either initiating litigation or referring the case to a collection agency. OSM has declined to make the suggested change. This option is already available to OSM under the proposed language. This language provides OSM sufficient flexibility to undertake any or all options required to encourage and enforce compliance with section 402 of the Act.

Another commenter argued OSM has no valid reason to add this new section other than as harassment of the operator. This commenter further stated these actions are clearly outside OSM's legal authority. OSM respectfully disagrees.

OSM added this new section to provide notification of the action or actions it may take to enforce requirements of section 402 of the Act when an operator fails to file production reports or pay reclamation fees. Such options are clearly within OSM's statutory authority granted under section 412 of SMCRA as well as under governmental-wide debt collection directives.

F. Final § 773.17(g)—Proposed § 870.15(f)—Permits Affected by Fee Debts

OSM had proposed to add a new § 870.15(f) requiring State regulatory authorities to suspend a permit for a specific mining operation if reclamation fees on the coal therefrom are due and owing the Federal Government for more than one month. That is, if the payment was delinquent on the last day of the month following the month in which the reclamation fee was due, the regulatory authority would have been required to initiate actions to suspend the permit for the mining operation in question. Similarly, if a mine report form for the last quarter of 1984, for example, covering production or non-production was not filed, suspension proceedings for that mining operation would also have been commenced.

Based on an analysis of comments received on the proposal, OSM has decided that a suspension outside of the normal enforcement context is not warranted in this situation. Instead, the final rule will allow such suspensions or other actions to occur only after providing all of the procedural safeguards associated with the issuance of a Notice of Violation or Cessation Order. This will be accomplished through amendment of 30 CFR 773.17 requiring continued payment of reclamation fees by the operator as a permit condition. Thus the permit will not be suspended automatically upon a failure to pay required fees. There will have to be a separate enforcement action taken based upon a violation of the permit condition.

The following is a summary of major comments and responses thereto:

A number of commenters questioned the source of the authority which would have allowed the States to suspend permits under the proposed rule for failure to pay reclamation fees. Several suggested that implementation of the proposed rule would require amendments to their State programs, and one State believed that fee collection was intended to be a part of the federal administrative procedure. In addition, several commenters were concerned that implementation of the proposed rule would impose an additional administrative and financial burden on the State Regulatory Authorities.

OSM agrees that proposed § 870.15(f) would have required States to develop new procedures to require the immediate suspension of mining. As adopted, the final rule will not require the adoption of new State procedures, but will require State program amendments to incorporate the new permit condition. OSM is not suggesting that States develop their own fee compliance mechanism. Instead OSM fee compliance officers (FCOs) and other personnel will notify States of violators and assist States in taking appropriate enforcement action. Moreover, OSM authorized personnel will be able to directly issue NOVs in oversight when necessary.

Several commenters had also questioned the adequacy of the proposal's "due process" protections. OSM shares the commenters' concerns and has required any actions aimed at suspending the permit to be taken in the standard enforcement context.

One commenter pointed out that suspension or revocation would be burdensome to a permittee who was not the "responsible party" under the proposed definition. The final rule responds to this concern by requiring payment by the operator. Because the condition applies only to coal produced under the permit, it is entirely appropriate that the permit be conditioned upon payment of fees associated with such coal, even in instances where the permittee and the operator are not the same person.

Two commenters suggested that the regulations allow for the negotiation of settlement agreements in lieu of suspension of permits. A number of commenters objected to suspension of permits for a single delinquency under the proposed rule, as opposed to a pattern of violations, and two of the commenters questioned how the proposed procedure would work in practice. The final rule provides the flexibility requested by the commenters. Satisfactory abatement action under an NOV is site-specific and could include an agreement to pay fees in a manner agreed to by OSM, including by installment agreements. Any breach of an agreement could lead to immediate action by OSM either under the original Notice of Violation or through new enforcement proceedings.

Finally, one commenter supported the new Section, in theory, but expressed concern that the proposed language was too vague since it failed to outline specific procedures for permit suspension by the States. This commenter also suggested that OSM adopt a national rule, incorporating section 521(a)(3) to ensure uniformity of enforcement.

This commenter's concerns are taken care of by using established enforcement procedures. OSM will rely on existing statutory and regulatory authority for enforcement of fee compliance, as a matter of direct Federal enforcement. OSM will make use of every means available under the Act to ensure that fees are paid on coal produced, including issuances of Notices of Violation and Cessation Orders.

where appropriate, pursuant to section 521 of SMCRA.

G. Section 870.15(f)—Proposed as § 870.15(g), Penalty on Fee Debts

In accordance with the Debt Collection Act of 1982 (Pub. L. 97–365), this new subsection imposes a six-percent per annum penalty on all fee debts owed under section 402 of SMCRA as soon as such debts are 91 days overdue. This penalty will be in addition to the interest which begins to accrue at the rate set by the U.S. Treasury, on the 31st day following the end of the calendar quarter for which the fee is due. OSM made some minor editorial changes to the final rule.

One commenter supported the revision in this section. This commenter remarked that an additional 6 percent interest rate, on top of the already existing interest rate required will have deterrent benefits. This commenter further stated such a charge, together with section 870.15(c), would make the interest penalty for being delinquent more in keeping with modern day economics.

A second commenter stated it should be clear that any penalty is on the principal and not on the accrued interest. This commenter also stated the Federal Claims Collection Act specifies a 6 percent or less penalty, and that no penalty is required. The commenter further recommended the penalty should start at one percent and then increase as long as the fee is due.

The Debt Collection Act of 1982, Pub. L. 97–365, section 11(e)(2)(B), requires the head of a Federal agency, or his designee, to "assess a penalty charge of no more than 6 per centum per annum, for failure to pay any portion of debt more than ninety days past due." OSM has elected to assess this penalty at the 6 percent maximum rate. As specifically stated in the Debt Collection Act, no interest will accrue on any assessed penalty.

A third commenter referred to the 6% penalty as an additional tax being imposed upon an operator who is delinquent in reclamation fee payments. This commenter called this action a legislative enactment by DOI exceeding the statutory powers given DOI by Congress. The commenter continued by stating that Congress has set the fee payment rate and method of establishing interest. The commenter advised no authority was granted for adding on any penalties. The commenter believed the proposed enactment to be unconstitutional.

The Debt Collection Act of 1982 was enacted by Congress "to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States." This Act provides clear legal authority for DOI to implement these provisions.

A fourth commenter advised that the requirement of a 6% penalty is costly to the small operator. This commenter further stated that penalties should cease on the date a payment plan is initiated, and only come back into existence if the payment plan is defaulted.

The Debt Collection Act of 1982 mandates a penalty of 6% or less on debts owed the Federal Government. OSM has elected to impose this penalty at the maximum rate after the fee is 91 days overdue. If an installment agreement is negotiated prior to the ninety-first day, no penalty will be imposed. A penalty will be imposed if the installment agreement is defaulted.

H. Section 870.15(g)—Proposed as § 870.15(h) Processing and Handling Charges

The new § 870.15(g) assesses charges to cover the cost of processing and handling delinquent claims. The processing includes referrals to the Solicitor's Office, Department of the Interior, as well as private collection agencies. The debtor is to be notified in the first demand letter (bill) of the potential penalty and processing charge that will be incurred if the debt remains unpaid.

The amount of the processing charge is approximately what OSM must spend to collect overdue fees. The amount of the processing charge will be based upon the following components: (1) For fee debts referred to a collecton agency, the amount the collection agency charges; (2) For debts OSM processes and handles without using a collection agency, an amount equivalent to that charged by collection agencies for the same or similar services; and (3) For debts referred to the Solicitor, Department of the Interior, to bring suit for collection of the fee, one or two additional fixed components. The first component will be based on the then current estimated cost to prepare a debt case for litigation and will reflect expenses incurred by OSM, the Solicitor and any other person (such as a collection agency or asset location company responsible for the preparation of appropriate documentation regarding its collection on behalf of OSM). Should a debt subsequently proceed to litigation, the second additional component will be based on the estimated cost of litigating each of these debt cases, which includes the cost for preparing a debt case for litigation. Under § 870.15(g)(1)(v), all of OSM's other administrative collection costs may be provided for. Particular administrative expenses are not limited to the examples cited in the final rule. The final rule also specifies under § 870.15(g)(2) that no prejudgment interest accures on any processing and handling charges. The word "prejudgment" was added so as not to preclude collection of post-judgment interest on the total amount owed, including processing and handling charges. OSM also made some minor editorial changes in the final rule.

All penalties and processing and handling charges imposed and collected on fee debts will go into the Secretary's share of the Abandoned Mine Reclamation Fund to reimburse OSM for the cost of collecting fees owed.

One commenter supporting this new section believes it to be a fair practice used in many other collection arenas. This commenter suggested such charges might also act as a deterrent against future delinquency.

One commenter recommended specific amounts should be charged and not any amounts that would be burdensome to a small operator and arbitrary on the part of OSM.

Another commenter remarked that the proposed rule seems improper especially where minor debts are involved. This commenter further stated these matters can and should be addressed on a case-by-case basis rather than categorically penalizing operators for nonpayment.

A fourth commenter stated it is the responsibility of Congress and not the Department of the Interior to enact taxes. This commenter advised economic times are hard and operators have gone through recessions. This commenter remarked that OSM is attempting to double the amount owed by the small operator because he failed to pay on time. The commenter also observed the 6% penalty and the processing charges could cause the operator to owe the Government more, with these charges and the interest, than the original delinquent tax.

The Debt Collection Act of 1982, Pub. L. 97–365 provides OSM with the authority to assess penalties and to charge for processing and handling debt collection cases. The processing and handling charges are not arbitrary. The amounts charged will be based on actual and estimated costs to provide this service and will differ depending upon the type of case involved. All debtors will be assessed a charge for the service required to process and handle their delinquent account regardless of

the size of their operation. Standard charges are appropriate for certain components where the costs of particular services will not vary by size of operation.

One commenter stated the Solicitor's Office and staff is funded for processing and handling delinquent claims. This commenter further remarked that if OSM assesses charges to process and handle delinquent claims, line budget items, including personnel, and all expenses relating to prosecuting the operator and collecting debts should be eliminated.

The administrative costs for OSM's Abandoned Mine Reclamation Program, including the fee compliance program come from the Secretary's share of the Abandoned Mine Reclamation Fund. All penalties, processing and handling charges imposed and collected on fee debts will go into the Secretary's share of the fund. Once this new system is in place, the costs necessary to administer OSM's program to recover delinquent reclamation fees will be borne by the debtor. Over a period of time, OSM may be able to significantly reduce some line items currently budgeted for this purpose.

I. Section 870.16(a)—Access to Mines, Preparation Plants, Support Facilities and Loading Facilities

OSM clarified § 870.16(a) to put all surface mining operators and any persons engaging in or conducting a surface coal mining operation on notice that they will be required to keep existing records of coal produced, used, bought or sold. The previous rule implied but did not specifically require these persons to keep existing records of purchased coal. This is in addition to the current authority of FCO's under § 870.17(a) to examine records of the second party involved in the sale or transfer of ownership of coal by the operator. By clarifying recordkeeping requirements for all mining operations subject to the jurisdiction of SMCRA in conjunction with access to records of transferee or purchasing coal brokers and transport facilities, OSM will be able to check production data and thereby hopefully lessen the underreporting or nonreporting of production data. OSM has determined that the proposed reference to section 701(28) of the Act is unnecessary and will not adopt it as part of the final rule. However, that provision and section 528 both are relevant to whether an operation is subject to SMCRA jurisdiction.

One commenter supported revisions to this section. This commenter said that the earlier definition of "operator" failed to adequately include support facility operators. The commenter further stated that the extension of the definition will aid the Fee Compliance Officer in efforts to uncover fee fraud. The commenter recommended that OSM should also require operators to maintain, on the mine site, copies of the AML fee report filed with OSM.

OSM has reviewed this comment and because this recommendation was not included in the initial proposed rule, OSM has decided to postpone consideration.

Another commenter felt this is another attempt by OSM to get into recordkeeping. This commenter stated OSM has the right to inspect records and there is no reason to further pursue this issue. The intent of this clarifying revision is to notify all operators under the jurisdiction of SMCRA, including operators of support facilities, that they are required to keep records of coal produced, used, bought or sold.

J. Section 870.16(a)(4)—Certification of Btu Value

Section 870.16(a)(4) is revised slightly by adding the requirement that an independent laboratory certify the Btu value of a ton of in situ coal at least semi-annually. This frequent requirement makes it possibe to monitor any changes in the coal seam. OSM received no comments on this Section. It is adopted without change.

K. Section 870.16(b)—Access to Mines, Preparation Plants, Support Facilities and Loading Facilities

OSM revises § 870.16(b) to clarify that OSM Fee Compliance Officers have the authority to review records of all surface mining operations, including preparation plants and support facilities resulting from or incident to a mine or other regulated activity. Authority for such actions is derived from sections 412(a) and 701(28) of SMCRA.

The purpose of this revision is to provide OSM's fee compliance officers (FCOs) with the means to determine the extent to which operations covered by the Act are discharging their statutory responsibilities to report production figures accurately and pay reclamation fees due on all production for each calendar quarter. The previous regulations did not provide a means of effectively monitoring all mining operations to ensure compliance with the statutory requirements for reporting production figures accurately and paying full reclamation fees on production for each quarter. Both the criminal penalty provision in subsection 402(d) of the Act, 30 USC 1232(d), and the provision in subsection 402(e) allowing recovery of reclamation fees through a civil debt collection action, will become operative only after OSM has determined which operators of mines or tipples have underreported production or underpaid fees.

OSM will be better able to identify those operators who misreport coal production figures if FCO's are granted access to information on sales of coal made by operators to tipple owners. OSM can, in many situations, make better use of its auditing personnel if auditors concentrate on tipples and plants through which coal from several operators moves. Such audits are especially helpful in checking for "wildcatters" and those producers who underreport tonnage of production in order to avoid reclamation fee liability.

One commenter suggested that OSM has failed to prove that access to records is a problem, and that regulations should be promulgated only on the basis of demonstrated need. OSM disagrees. OSM's purpose in proposing this section is to notify operators of all surface coal mining operations, including preparation plants and tipples located at or near a mine site, of the authority of OSM FCOs to examine books and records.

Another commenter proposed that OSM extend to Federal and State inspectors the authority to review production records to verify if an operator has filed an AML fee report. This commenter also suggested that OSM *require* inspectors to give written notice to FCO's of any discrepancies in the AML report. OSM does not support this position for two reasons. First, providing State inspectors such additional authority is inappropriate because collection of AML fees is not a State program function and, second, State inspectors do not function as OSM agents. It is unnecessary to broaden Federal inspectors' responsibilities in every case or to provide a notice requirement because FCO's and inspectors currently work together and share information. Inspectors are put on notice where an operator reports zero production and the FCO has information to the contrary. However, additions were made to the final rule to allow access to records by FCOs and "other authorized representatives," including inspectors where appropriate. OSM has also made some minor editorial changes to the final rule.

L. Section 870.16(c)—Substantiating Records

Revised § 870.16(c) requires all surface coal mining operations subject to the provisions of SMCRA to make their

production and sales records available to OSM's Fee Compliance Officers. OSM amended the final rule to clarify that this section applies to "any person engaging in or conducting a surface coal mining operation," and not just "operators" as originally proposed.

One commenter remarked that an operator takes a substantial number of days to attempt to assemble all the records and information requested when contacted by OSM. This commenter further advised that OSM does not limit requests to books and records necessary to substantiate the accuracy of reclamation fee reports.

The commenter stated that it is beyond all comprehension to allow the investigating person to take the books and copy them somewhere. The commenter suggested that to make this process fair and to avoid abuse by employees of OSM, the operator should be able to charge OSM for the reasonable cost of collecting the necessary requested records and making them available to OSM. The commenter reasoned this would make them more responsive to each particular situation.

Another commenter urged OSM to use flexibility in the application of this Section.

Except for a change in scope, to include records of support facilities, recordkeeping requirements in § 870.16 are the same as those contained in the rules which have been in effect since October 25, 1978. Revisions to this section were made to notify all persons engaging in or conducting surface coal mining operations subject to the provisions of SMCRA of the change in scope of these requirements. OSM audits of these books and records are essential to ensure compliance with section 402 of SMCRA. Prior to an audit, OSM policy requires FCOs to notify operators of records that must be available for audit. Records required for OSM's review may vary depending on the basis of the operator's reporting or accounting system.

OSM received a comment concerning the following sentence: "If the fee is paid at the maximum rate, the FCO's shall not copy information relative to price." The commenter stated that the sentence was confusing and was not explained in the preamble. This sentence was not one of the proposed changes. It is part of the final rules which have been in effect since regulations were first published on this subject on December 13, 1977, 42 FR 62713.

These rules were more fully explained in the preamble to the earlier regulation. OSM made clear that the right to copy price information is limited to and needed only for those cases where the fee is based on a percentage of value. If the flat cents-per-ton fee is paid, price information is not relevant.

M. Section 870.16(d)—Record Maintenance

OSM revises § 870.16(d) to clearly state that all persons engaging in or conducting surface coal mining operations must maintain their production and sales records for at least six years from the date the fees were due or paid. In addition, this section limited the time span for OSM audits to six years assuming that production was reported accurately and fees paid accordingly. The previous rule was ambiguous since it referred to the term "operator" and it did not have a time limit for OSM audits. The six-year period for record maintenance is not to be construed as a statute of limitations for the commencement of an action for recovery of delinquent reclamation fees pursuant to section 402 of the Act, 30 U.S.C. 1232. Absent Government consent through Congressional action, no period of limitations exists. See, *Guaranty Trust Co.* v. *United States*, 304 U.S. 126, 132 (1938).

One commenter remarked that a period of six years from the date the fees were paid is either cumbersome and/or a costly burden on small operators who do not have the financial resources, or the staff available, to maintain such records for a period of six years. This commenter suggested one year would be more appropriate and less costly.

A second commenter stated operators who have underreported reclamation fees for years, and have not been either audited or detected by OSM, will be able to destroy all evidence of fraud if they are allowed to destroy records after six years. This commenter recommended that OSM should require operators to maintain books for the remaining life of the AML fund (1992), to ensure the possibility of proving any fraud detected in the future.

OSM has given consideration to these comments and determined the one year record retention period suggested by the first commenter to be inadequate. OSM believes the second commenter's recommendations to extend the recordkeeping requirement to a fifteen year period, the entire life of the fund, would be a burdensome requirement for some surface coal mine operators. OSM will neither shorten nor lengthen the six year record retention requirements in effect since December 13, 1977. The preamble to regulations published on that date discusses this requirement.

Consideration of the second commenter's recommendations has led to OSM's decision to delete the proposed six year audit limitation. OSM's Fee Compliance Officers will audit all existing records containing information required to be kept by § 870.16(a)(1)(4). In some cases the time period audited will extend beyond a six year period.

Also, OSM amended the final rule to clarify that this section applies to "any person engaging in or conducting a surface coal mining operation," and not just "operators" as originally proposed.

N. Section 870.16(e)—Estimated Fee

This new subsection provides a method of assessing reclamation fees in cases where operators fail to maintain adequate records or fail to make such records available for audit purposes. Previously, OSM had no satisfactory method of determining fee liability whenever an operator failed to keep adequate records or refused access to such records. OSM's only recourse was civil litigation.

This rule will implement a fair method of establishing a fee debt that will be incurred immediately. In the absence of records, OSM will estimate the amount of fees owed on coal produced. In formulating this amount, OSM will base a preliminary estimate on such factors as mining method used, type of coal produced, and geographical location. This preliminary figure will then be increased by 20% to bring the estimate within the range of probable fees owed. This method of determining reclamation fee liability is a variation of the assessment procedure used by Kentucky when the State must estimate natural resource tax liability. Kentucky uses any information in its possession to arrive at a preliminary estimate and then assesses the tax at no more than twice the amount estimated to be due. Rather than double the amount of the estimate, as done by Kentucky, OSM will add 20% to provide a reasonable margin of error. This estimate will be treated as the amount owed, and interest will accrue and other charges will be made in the event of non-payment.

Three commenters raised objections to adoption of this section. One commenter questioned OSM's method for estimating fee liability, claiming that an estimate based on average production, mining method, type of coal or geographical location would be purely arbitrary and unfounded. It was suggested that factors such as weather and market forces also be considered. These will be considered in analyzing the "nature of the operation"; OSM will

make use of any and all information available to estimate amount of fee liability where an operator fails to maintain adequate records or refuses access to records for audit purposes. This commenter also believes that the operator assessed should be free to prove that an estimate is inaccurate. OSM agrees. An operator may provide information to challenge the amount of OSM's estimated fee, and OSM has amended its regulation accordingly. These commenters also felt that an additional 20% upward adjustment of the estimated fee would be inequitable. One commenter felt that the 20% adjustment was not adequately explained in the proposed rule, and one said that if OSM is formulating the estimate, a 20% downward adjustment would be a more accurate reflection. OSM believes that 20% upward adjustment will tend to ensure that tonnage produced is not underestimated, encourage operators to provide information and enhance the possibility of collecting all fees owed. The final rule clearly states that OSM will use this estimating technique only in the event that an operator has no adequate records or refuses access to records for audit purposes.

OSM received one comment in support of the rule. This commenter also urged OSM to emphasize that this new section does not preclude OSM or the regulatory authority from issuing a civil penalty citation for violating the requirements of this section. Under the rules adopted today OSM will take whatever enforcement actions are appropriate. OSM will treat the estimated fee as the amount of fee owed. When this estimated fee becomes overdue it is subject to all interest, penalty, processing and handling charges, and enforcement actions in Part 870 or in SMCRA or its other implementing regulations.

III. Procedural Matters

A. Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. Also, DOI certifies that this rule will not have a significant economic effect on a substantial number of small entities and, therefore, does not require a Regulatory Flexibility analysis under Public Law 96–354. The reasons underlying these determinations are as follows:

The revisions to Part 870 of the Abandoned Mine Reclamation Fund regulations will not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets; nor will they increase costs or prices for consumers, individual industries, Federal, State, Tribal or local governmental agencies or geographic regions.

There will be no significant demographic effects, direct costs, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

B. National Environmental Policy Act

OSM has been granted a categorical exclusion from the procedures of the National Environmental Policy Act for the subject of reclamation fees imposed by Pub. L. 95–87 (46 FR 7487, January 23, 1981).

C. Paperwork Reduction Act of 1980

The information collection requirements contained in 30 CFR 870.15(c), and 870.16 (a) and (d) were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0063.

List of Subjects

30 CFR Part 773

Administrative practice and procedure, Reporting requirements, Surface mining, Underground mining.

30 CFR Part 870

Coal mining, Reporting requirements, Surface mining, Underground mining

Based on the foregoing, 30 CFR Parts 773 and 870 are amended as set forth herein.

Dated: June 17, 1984.

Garrey Carruthers,

Assistant Secretary, Land and Minerals Management.

PART 773—REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

1. Section 773.17 is amended by adding paragraph (g) as follows:

§ 773.17 Permit conditions.

* * * * *

(g) The operator shall pay all reclamation fees required by Subchapter R of this chapter for coal produced under the permit for sale, transfer or use, in the manner required by that subchapter.

PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

2. Section 870.15 is amended by revising paragraph (c) and adding paragraphs (e), (f), and (g) to read as follows:

§ 870.15 Reclamation fee payment.

* * * * *

(c) As of April 1, 1983, delinquent reclamation fee payments are subject to interest at the rate established quarterly by the U.S. Department of the Treasury for use in applying late charges on late payments to the Federal Government, pursuant to Treasury Fiscal Requirements Manual 6–8020.20. The Treasury current value of funds rate is published by the Fiscal Service in the Notices section of the **Federal Register.** Interest on unpaid reclamation fees shall begin to accure on the 31st day following the end of the calendar quarter for which the fee payment is owed and will run until the date of payment. OSM will bill delinquent operators on a monthly basis and initiate whatever action is necessary to secure full payment of all fees and interest. All operators who receive a Coal Production and Reclamation Fee Report (Form OSM–1), including those with zero production, must submit a completed Form OSM–1, as well as any fee payment due. Fee payments postmarked later than thirty days after the calendar quarter for which the fee was owed will be subject to interest.

* * * * *

(e) Failure to pay overdue reclamation fees, including interest on late payments or underpayments, failure to maintain adequate records, or failure to provide access to records of a surface coal mining operation may result in one or more of the following actions: (1) Initiation of litigation; (2) reporting to the Internal Revenue Service; (3) reporting to State agencies responsible for taxation; (4) reporting to credit bureaus; or (5) referral to collection agencies. Such remedies are not exclusive.

(f) When a reclamation fee debt is greater than 91 days overdue, a 6 percent per annum penalty shall begin to accure on the amount owed for fees and will run until the date of payment. This penalty is in addition to the interest described in paragraph (c) of this section.

(g)(1) For all delinquent fees, interest and any penalties, the debtor will be required to pay a processing and

handling charge which shall be based upon the following components:

(i) For debts referred to a collection agency, the amount charged to OSM by the collection agency;

(ii) For debts processed and handled by OSM, a standard amount set annually by OSM based upon similar charges by collection agencies for debt collection;

(iii) For debts referred to the Solicitor, Department of the Interior, but paid prior to litigation, the estimated average cost to prepare the case for litigation as of the time of payment;

(iv) For debts referred to the Solicitor, Department of the Interior, and litigated, the estimated cost to prepare and litigate a debt case as of the time of payment; and

(v) If not otherwise provided for, all other administrative expenses associated with collection, including, but not limited to, billing, recording payments, and follow-up actions.

(2) No prejudgment interest accrues on any processing and handling charges.

3. Section 870.16 is amended by revising paragraphs (a), (b), (c), and (d) and adding paragraph (e) to read as follows:

§ 870.16 Production records.

(a) Any person engaging in or conducting a surface coal mining operation shall maintain, on a current basis, records that contain at least the following information:

(1) Tons of coal produced, bought, sold or transferred, amount received per ton, name of person to whom sold or transferred, and the date of each sale or transfer.

(2) Tons of coal used by the operator and date of consumption.

(3) Tons of coal stockpiled or inventoried which are not classified as sold for fee computation purposes under § 870.12.

(4) For in situ coal mining operations, total BTU value of gas produced, the BTU value of a ton of coal in place certified at least semiannually by an independent laboratory, and the amount received for gas sold, transferred, or used.

(b) OSM fee compliance officers and other authorized representatives shall have access to records of any surface coal mining operation for the purpose of determining compliance of that or any other such operation with this part.

(c) Any person engaging in or conducting a surface coal mining operation shall make available any book or record necessary to substantiate the accuracy of reclamation fee reports and payments at reasonable times for inspection and copying by OSM fee compliance officers. If the fee is paid at the maximum rate, the fee compliance officers shall not copy information relative to price. All copied information shall be protected to the extent authorized or required by the Privacy Act and the Freedom of Information Act (5 U.S.C. 552 (a), (b)).

(d) Any persons engaging in or conducting a surface coal mining operation shall maintain books and records for a period of 6 years from the end of the calendar quarter in which the fee was due or paid, whichever is later.

(e) (1) If an operator of a surface coal mining operation fails to maintain or make available the records as required in this section, OSM shall make an estimate of fee liability under this part through use of average production figures based upon the nature and acreage of the coal mining operation in question, then assess the fee at the amount estimated to be due, plus a 20 percent upward adjustment for possible error.

(2) Following an OSM estimate of fee liability, an operator may request OSM to revise the estimate based upon information provided by the operator. The operator has the burden of demonstrating that the estimate is incorrect by providing documentation acceptable to OSM, and comparable to information required in § 870.16(a).

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*; Pub. L. 97–365, 5 U.S.C. 5514 *et seq.*).

[FR Doc. 84–17808 Filed 7–3–84; 8:45 am]
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30 CFR Part 901

Approval of Permanent Program Amendments From the State of Alabama Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of certain amendments to the Alabama permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In addition, certain conditions of approval imposed by the Secretary of the Interior on Alabama are being modified and removed.

On November 28, 1983, the Alabama Surface Mining Commission (ASMC) transmitted to OSM a set of regulatory amendments intended, in part, to meet its three remaining conditions. The conditions of approval relate to specific program requirements in the areas of sediment control and spoil placement and disposal. The specific conditions being addressed by the State in this rulemaking are discussed in detail below under "**SUPPLEMENTARY INFORMATION**".

Alabama's November 28, 1983 submittal also addressed the three provisions of the State's program remanded by the United States District Court for the Middle District of Alabama in *Citizens for Responsible Resource Development v. Watt.* In addition, Alabama included other program amendments that are unrelated to the conditions of approval. Additional information about these matters can be found below under "**SUPPLEMENTARY INFORMATION**".

OSM published a notice in the Federal Register on January 12, 1984, announcing receipt of the amendments and inviting public comment on the adequacy of the proposed amendments (49 FR 1532). The public comment period ended February 13, 1984. A review of Alabama's proposed amendments by OSM identified several concerns relating to inspection of impoundments and placement of excess spoil. OSM notified the ASMC about it concerns and on May 3, 1984, ASMC responded by submitting modifications to its proposed amendments. OSM reopened the comment period from May 22 to June 6, 1984, in order to provide the public on opportunity to reconsider the adequacy of the proposed amendments.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary has determined that the amendments to Alabama's program, as modified on May 3, 1984, satisfy the remaining conditions of approval, and that the amendments meet the requirements of SMCRA and the Federal permanent program regulation. Accordingly, the Secretary is removing the conditions and approving the program modifications found to be in accordance with SMCRA and no less effective than the Federal rules.

The Federal rules codifying Secretarial decisions concerning the Alabama permanent program are being amended to reflect these actions.

EFFECTIVE DATE: July 5, 1984.

FOR FURTHER INFORMATION CONTACT: John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 34209; Telephone: (202) 254–0890.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

Information regarding the general background on the Alabama program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found at 47 FR 22020–22038 (May 20, 1982) and 48 FR 34026 (July 1983).

At the time of the Secretary's conditional approval, Alabama agreed to meet 13 conditions—(a), (b)(1)–(2), (c), (d)(1)–(5), (e)(1)–(4), (f)(1)–(2), (g)(1)–(3), (h)(1)–(2), (i), (j), (k), (l), and (m)(1)–(6).

On March 2, 1984, OSM announced that conditions (a)–(c), (f)–(1), (m)(1)–(4), and (m)(6) had been removed (49 FR 7797).

OSM announced in the November 15, 1983 **Federal Register** (48 FR 51941) a proposed rule concerning the remand of three Alabama program provisions by the United States District Court for the Middle District of Alabama in *Citizens for Responsible Development v. Watt*, Civil No. 82–530–N, October 7, 1983. Two of the three remanded provisions were proposed for reconsideration by OSM's November 15, 1983 notice in light of recent changes made to the Federal rules.

The first remanded provision concerns the Secretary's approval of Alabama's provision allowing partial bond release prior to topsoil replacement. Under the Federal rules which existed at the time the Alabama program was conditionally approved, 30 CFR 807.12 allowed the regulatory authority discretion to release sixty percent of the bond upon completion of Phase I reclamation. The Federal rules at 30 CFR 807.12(e)(1) required topsoil replacement as one of the elements which must be finished in order for reclamation Phase I to be deemed to have been completed. Alabama's provision at 880–X–9D omits this requirement. However, the Federal rules have since been changed. The new rule at 30 CFR 800.40(c)(1) provides that Phase I reclamation which would allow partial bond release *may* include topsoil replacement, but the requirement of topsoil replacement is no longer mandatory (48 FR 32932, July 19, 1983).

The other remanded provision concerns the Secretary's approval of Alabama's rules governing bond replacement in the event of the insolvency of a surety or bank. Under the Federal rules that existed at the time the Alabama program was conditionally approved, 30 CFR 806.12(e)(6)(iii) and (g)(7)(iii) provided that during the period an operator is without bond coverage and is seeking a replacement bond, the regulatory authority shall conduct weekly inspections of the affected site(s). The Alabama counterparts at 880–X–9C–.03(5)(e)(3) and (6)(h)6(iii) omit this requirement. Subsequent to the Secretary's conditional approval of Alabama's program, the Federal rules concerning bond replacement were changed to no longer require weekly inspections. *See* 30 CFR 800.16(e)(2), 48 FR 32932, July 19, 1983.

In order to respond to the District Court's remand of these two Alabama provisions, OSM sought public comment on whether the existing Alabama provisions are in accordance with SMCRA and are now no less effective than the current Federal rules. The public comment period ended on December 15, 1983. The Secretary's findings and decision are being announced in this **Federal Register** notice.

In addition to addressing the two remanded provisions discussed above, OSM's November 15, 1983 notice also proposed placing an additional condition on Alabama's program in response to the District Court's remand of a third program provision. However, such action is being superseded because Alabama submitted a proposed amendment to address the third remanded section. All three remanded provisions are discussed in detail below under Section D. Findings on the Alabama Provisions Remanded in *Citizens for Responsible Resource Development v. Watt.*

II. Discussion of the Proposed Amendments

On November 28, 1983, the Alabama Surface Mining Commission (ASMC) submitted a set of regulatory amendments intended to satisfy conditions (d), (e) and (m)(5) and to address one of the provisions of the State program remanded by the United States District Court for the Middle District of Alabama.

Briefly, the conditions are:

1. Condition (d)(1) requires Alabama to provide that at the present time, the best technology currently available for sediment control is sedimentation ponds.

2. Condition (d)(2) requires Alabama to provide for sufficient sedimentation pond design criteria in accordance with 30 CFR 816.46(e)–(u) and 817.46(e)–(u).

3. Condition (d)(3) requires Alabama to limit impoundment slopes to not greater than 1v:2h.

4. Condition (d)(4) requires Alabama to provide for the inspection of all appropriate dams in accordance wtih 30 CFR 77.216–3.

5. Condition (d)(5) requires to provide for minimum sediment storage volume for sedimentation ponds.

6. Condition (e)(1) requires Alabama to prohibit the disposal of coal processing waste in head-of-hollow and valley fills.

7. Condition (e)(2) requires Alabama to provide for the placement of spoil in four foot horizontal lifts unless otherwise authorized by the regulatory authority.

8. Condition (e)(3) requires Alabama to provide criteria for slopes greater than 36%.

9. Condition (e)(4) requires Alabama to provide criteria and requirements for head-of-hollow and valley fills in a manner no less effective than 30 CFR 816.72 and 816.73.

10. Condition (m)(5) requires Alabama to make certain editorial changes to its rules to add appropriate references in §§ 816.46(u) and 817.46(u) (now redesignated as 880–X–10G and 880–X–10D).

Specifically, Alabama:

(1) Proposed changes to rules 880–X–10C–.13 and 10D–.13 to meet condition (d)(1);

(2) Proposed changes to rules 880–X–10C–.17 and 10D–.17 to meet conditions (d)(2) and (d)(5);

(3) Proposed changes to rules 880–X–10C–.20 and 10D–.20 to meet conditions (d)(3) and (d)(4);

(4) Proposed changes to rules 880–X–10C–.36(13)(b) and 10D–.33(13)(b) to meet condition (e)(1);

(5) Proposed changes to rules 880–X–10C–.36(3) and 10D–.33(3) to meet condition (e)(2);

(6) Proposed changes to rules 880–X–10C–.36(9) and 10D–.33(9) to meet condition (e)(3);

(7) Proposed changes to rules 880–X–10C–.36(15)–(17) and 10D–.33(15)–(17) to meet condition (e)(4);

(8) Requested that OSM review condition (m)(5) in light of final OSM rules at 30 CFR 816.46 and 817.46 published September 26, 1983 (48 FR 44032); and

(9) Submitted a draft memorandum of understanding between the Alabama Department of Environmental Management and the Alabama Surface Mining Commission which would, when finalized, provide for necessary consultation and approval authority on variances from approximate original contour for steep slope mining in accordance with 30 CFR 785.16(c)(4)(iii) and the decision of the U.S. District Court for the Middle District of Alabama in *Citizens for Responsible Resource Development v. Watt*, Civil No. 82–530–N, October 7, 1983.

On January 12, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendments

and inviting public comment on whether the proposed modifications addressed the respective conditions and whether the proposed amendments were in accordance with SMCRA and no less effective than the Federal rules (49 FR 1532). The public comment period ended February 13, 1984. A public hearing scheduled for February 6, 1984, was not held because no one expressed a desire to present testimony.

During this period, a review of Alabama's proposed amendments by OSM identified several concerns relating to inspection of impoundments and placement of excess spoil. OSM notified the ASMC about its concerns, and on May 3, 1984, the ASMC responded by submitting additional modifications to the proposed amendments.

On May 22, 1984, OSM published a notice in the **Federal Register** reopening and extending the public comment period on Alabama's proposed amendments as modified on May 3, 1984 (49 FR 21549). That comment period ended on June 6, 1984.

On February 17, 1984, the Administrator of the Environmental Protection Agency gave written concurrence on the November 28, 1983, amendments to the Alabama program.

III. Secretary's Findings

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Alabama on November 28, 1983, meet the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

A. Findings on Conditions

1. Condition (d)(1)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not provide that, at the present time, the best technology currently available for sediment control is sedimentation ponds (Finding 13.7, 47 FR 22030). Rather, the Alabama rules required that all surface drainage from the disturbed area be passed through sedimentation ponds *or a treatment facility* before leaving the permit area. The Federal rules at 30 CFR 816.46 and 817.46 have since been revised to require that all surface drainage from the disturbed area shall be passed through a siltation structure, which is defined as a sedimentation pond, a series of sedimentation ponds, or other treatment facility (48 FR 44032, September 26, 1983). The Secretary finds that Alabama has amended its rules at 880–X–10C–.13 and 880–X–10D–.13 to require that all drainage be passed through a sedimentation pond, a series of sedimentation ponds or other treatment facility. Under the rule, other treatment facilities are defined to mean any chemical treatment system utilized to prevent additional contributions of suspended solids to streamflow. The Secretary finds that the Alabama rules are now no less effective than 30 CFR 816.46 and 817.46.

2. Condition (d)(2)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not provide for sufficient sedimentation pond design criteria in accordance with 30 CFR 816.46(e)–(u) and 817.46(e)–(u) (Findings 13.8 and 13.18, 47 FR 22030). The Secretary amended condition (d)(2) on March 2, 1984, to no longer require Alabama to meet the provisions of superseded Federal rules 30 CFR 816.46(p) and 817.46(p). These Federal requirements, which specified compaction standards for fill material for sedimentation ponds, were removed when the amended Federal rules at 30 CFR 816.46 and 817.46 were promulgated on September 26, 1983 (48 FR 44032). The Secretary now finds that Alabama has amended its rules at 880–X–10C–.17 and 880–X–10D–.17 to include sedimentation pond design criteria that are no less effective than 30 CFR 816.46 and 817.46.

3. Condition (d)(3)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not prohibit permanent impoundment perimeter slopes greater than 1v:2h (Finding 13.9, 47 FR 22030). The Federal rules at 30 CFR 816.49 and 817.19 were amended on September 26, 1983 (48 FR 43994) and no longer include a slope limitation of 1v:2h. The Secretary now finds that Alabama has amended its rules at 880–X–10C–.20 and 880–X–10D–.20 to be no less effective than revised 30 CFR 816.49 and 817.49.

4. Condition (d)(4)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not provide for the inspection of dams in accordance with 30 CFR 77.216–3, for all resulting reports to be kept at the minesite, and for all certifications, reports and statements required by the Mine Safety and Health Administration to be filed with the regulatory authority (Finding 13.10, 47 FR 22030). The Secretary now finds that Alabama has amended its rules 880–X–10C–.20 and 880–X–10D–.20 to include these requirements and to be no less effective than 30 CFR 816.49 and 817.49, as promulgated on September 26, 1983 (48 FR 43994).

5. Condition (d)(5)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not provide for a minimum sediment storage volume for sedimentation ponds (Finding 13.16, 47 FR 22030). The Secretary now finds that Alabama has amended its rules 880–X–10C–.17 and 880–X–10D–.17 to require that sedimentation ponds be designed and constructed to provide adequate sediment storage volume, which is no less effective than 30 CFR 816.46 and 817.46.

6. Condition (e)(1)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not prohibit disposal of coal processing waste in head-of-hollow and valley fills (Finding 13.12, 47 FR 22030). The revised Federal rules at 30 CFR 816.71(i), 817.71(i), 816.72 and 817.72 (48 FR 32910, July 19, 1983) allow disposal of coal processing waste in head-of-hollow and valley fills. The Secretary now finds that Alabama has amended its rules 880–X–10C–.36(13)(b) and 880–X–10D–.33(13)(b) to be no less effective than the revised Federal requirements as promulgated July 19, 1983.

7. Condition (e)(2)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not provide for horizontal lift of spoil (Finding 13.13, 47 FR 22030). The Secretary now finds that Alabama has amended its rules 880–X–10C–.36(3) and 880–X–10D–.33(3) to require that spoil be placed in horizontal lifts not exceeding 4 feet in thickness and are now no less effective than 30 CFR 816.71(e)(2) and 817.71(e)(2).

8. Condition (e)(3)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not contain criteria for slopes greater than 36 percent in spoil disposal areas (Finding 13.14, 47 Fr 22030). The Secretary now finds that Alabama has amended its rules 880–X–10C–.36(9) and 880–X–10D–.33(9) to specify that key way cuts or rock toe buttresses shall be constructed when the slope in the disposal area exceeds 1v:2.8h (36 percent) or such lesser slope as the regulatory authority may designate. The Secretary finds that the amended Alabama rules are no less effective than 30 CFR 816.71(d)(2) and 817.71(d)(2).

9. Condition (e)(4)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, did not contain adequate

criteria with regard to specific requirements for head-of-hollow and valley fills, as did 30 CFR 816.72–.73 and 817.72–.73 (Findings 13.15, 14.5 and 14.9, 47 FR 22030). The Secretary now finds that Alabama has adopted rules 880–X–10C–.36(16) and 880–X–10D–.33(16) to provide criteria for head-of-hollow and valley fills no less effective than 30 CFR 816.72 and 817.72.

10. Condition (m)(5)

The Secretary found that the Alabama program conditionally approved on May 20, 1982, omitted two important cross-references from its rules 816.46(u) and 817.46(u). The Federal regulations at 30 CFR 816.46 and 817.46 have since been amended to delete subsection (u) (48 FR 44032, September 26, 1983). In light of the Federal revisions, the Secretary has reconsidered the condition and determined that it is no longer appropriate.

B. Amendments Unrelated to Conditions of Approval

1. Alabama has amended rule 880–X–8C–.06 concerning applications for approval or disapproval for exploration of more than 250 tons. The rule has been amended to add a provision that the applicant must submit a performance bond and certificate of liability insurance in accordance with rule 880–X–9, except that there shall be no minimum bond amount, the period of liability shall be two full growing seasons,and only the requirements of paragraphs (1), (1)(a), (4) and 6)(a)–(d) of rule 880–X–9D–.02 apply. The Federal regulations at 30 CFR Part 772 (48 FR 40622, September 8, 1983) do not require a performance bond or liability insurance for coal exploration operations. The Secretary therefore finds that amended Alabama rule 880–X–8C–.06 is no less effective than the Federal regulations.

2. Alabama has amended rules 880–X–10C–.36 and 880–X–10D–.33 concerning disposal of excess spoil and underground development waste. The amendments were intended to make Alabama's rules consistent with the revised Federal rules on excess spoil disposal at 30 CFR 816.71–817.74 and 817.71–817.74 (48 FR 32910, July 19, 1983).

During the review of Alabama's proposed amendments, OSM identified three concerns:

a. Alabama rules 880–X–10C.36(13(b) and 880–X–10D.33(13(b) did not require the approval of the regulatory authority for disposal of coal processing waste in excess spoil fills, as do 30 CFR 816.71(h)(4) and 817.71(h)(4).

b. Alabama rules 880–X–10C–.36(15)(b) and 880–X–10D–.33(15)(b) did not specify that approval by the regulatory authority is discretionary for gravity transport of excess spoil. The Federal rules specify such a requirement at 30 CFR 816.74(e) and 817.74(e)

c. Alabama rules 880–X–10C–.36(15)(b) and 880–X–10D–.33(15)(b) did not require that gravity transport courses be determined as part of the permit application nor did they require rehandling of any preexisting spoil that is disturbed. Such requirements are specified in 30 CFR 816.74(e) and 817.74(e).

On May 3, 1984, Alabama submitted modifications to its November 28, 1983 proposed amendments which addressed OSM's concerns through changes to rules 880–X–10C–.36(13)(b) and 10D–.33(13)(b); and 880–X–10C–.36(15)(b) and 10D–.33(15)(b). The Secretary finds that the amendments, as modified on May 3, 1984, are no less effective than 30 CFR 816.71–816.74 and 817.71–817.74.

3. Alabama has amended rules 880–X–10C–.13 and 880–X–10D–.13 concerning water quality standards and effluent limitations to be consistent with the revised Federal rules at 30 CFR 816.42 and 817.42 (48 FR 44032, September 26, 1983). The Secretary finds the Alabama rules to be no less effective than 30 CFR 816.42 and 817.42.

4. Alabama has amended rules 880–X–10C–.17 and 880–X–10D–.17 concerning sedimentation ponds to be consistent with the revised Federal rules at 30 CFR 816.46 and 817.46 (48 FR 44032, September 26, 1983). The Secretary finds that the Alabama rules are no less effective than the Federal regulations on siltation structures, including the requirements for design, construction and removal.

5. Alabama has amended rules 880–X–10C–.20 and 880–X–10D–.20 concerning impoundments to be consistent with the revised Federal rules at 30 CFR 816.49 and 817.49 (48 FR 43994, September 26, 1983). During the review of Alabama's proposed amendments, OSM identified a concern in that Alabama rules 880–X–10C–.20(j) and 880–X–10D–.20(j) did not require that impoundments be inspected upon completion of construction, as do 30 CFR 816.49(a)(10) and 817.49(a)(10).

On May 3, 1984, Alabama submitted modifications to its November 28, 1983 proposed amendments which addressed OSM's concern by requiring inspections immediately after construction. The Secretary finds that the amendments as modified on May 3, 1984, are no less effective than 30 CFR 816.49 and 817.49.

6. Alabama has amended rules 880–X–10C–.27 and 880–X–10D–.25 concerning postmining rehabilitation or removal of sedimentation ponds, diversions, impoundments and treatment facilities to be consistent with the revised Federal rules at 30 CFR 816.56 and 817.56 (48 FR 43994, September 26, 1983). The Secretary finds the Alabama rules to be no less effective than 30 CFR 816.56 and 817.56.

C. Non-Substantive Corrections to Alabama's Regulations

Alabama has revised certain parts of its rules to make non-substantive, primarily typographical, changes. The Secretary finds the corrections consistent with SMCRA and 30 CFR Chapter VII.

D. Findings on the Alabama Provisions Remanded in Citizens for Responsible Resource Development v. Watt

On November 15, 1983, OSM announced proposed actions concerning the remand of three Alabama program provisions by the United States District Court for the Middle District of Alabama in *Citizens for Responsible Resource Development v. Watt*, Civil No. 82–530–N, October 7, 1983 (48 FR 51941). Two of the three remanded provisions were proposed for reconsideration by OSM's November 15, 1983, notice in light of recent changes made to the Federal rules. The notice stated that OSM was seeking public comment on whether the existing Alabama provisions are in accordance with SMCRA and are now no less effective than the current Federal rules and that if the Secretary found that the existing State provisions met the revised Federal requirements, no further action by Alabama concerning these matters would be required.

The third remanded provision was proposed to be resolved by imposing a new condition of approval on the Alabama program. However, that action was superseded when Alabama submitted a proposed amendment to address the third remanded section. The three provisions are discussed below.

1. The first remanded provision concerns the Secretary's approval of Alabama's provision allowing partial bond release prior to topsoil replacement. Under the Federal rules which existed at the time the Alabama program was conditionally approved, 30 CFR 807.12 allowed the regulatory authority discretion to release sixty percent of the bond upon completion of Phase I reclamation. The Federal rules at 30 CFR 807.12(e)(1) required topsoil replacement as one of the elements which must be finished in order for reclamation Phase I to be deemed to have been completed. Alabama's provision at 880–X–9D omits this requirement. However, the Federal rules

have since been changed. The new rule at 30 CFR 800.40(c)(1) provides that Phase I reclamation which would allow partial bond release may include topsoil replacement, but the requirement of topsoil replacement is no longer mandatory (48 FR 32932, July 19, 1983).

Therefore, the Secretary finds that the existing Alabama provision is in accordance with SMCRA and is now no less effective than the revised Federal rule at 30 CFR 800.40(c)(1). No change is required.

2. The second remanded provision concerns the Secretary's approval of Alabama's rules governing bond replacement in the event of the insolvency of a surety or bank. Under the Federal rules that existed at the time the Alabama program was conditionally approved, 30 CFR 806.12(e)(6)(iii) and (g)(7)(iii) provided that during the period an operator is without bond coverage and is seeking a replacement bond, the regulatory authority shall conduct weekly inspections of the affected site(s). The Alabama counterparts at 880–X–9C–.03(5)(e)(3) and (6)(h)(iii) omit this requirement. Subsequent to the Secretary's conditional approval of Alabama's program, the Federal rules concerning bond replacement were changed to no longer require weekly inspections. See 30 CFR 800.16(e)(2), 48 FR 32932, July 19, 1983. Therefore, the Secretary finds that the existing Alabama provision is in accordance with SMCRA and is now no less effective than the revised Federal rule at 30 CFR 800.16(e)(2).

3. The third remanded provision concerns approval of variances from the approximate original contour requirements for steep slope mining. The Federal rules at 30 CFR 785.16(c)(4)(iii) provide that the appropriate State environmental agency must approve a variance from the approximate original contour restoration requirements for steep slope mining. The District Court remanded to the Secretary the corresponding provision in the Alabama program. Specifically, the court noted that Alabama's rule at 880–X–8J–.07 (previously codified as 785.16(c)(4)) is inconsistent with SMCRA and the Federal rules because it omits any reference to the need for the appropriate State environmental agency to approve variance plans. The court decided that the Federal rules establish a two-tiered variance approval system whereby the regulatory authority may issue a permit which incorporates a variance from the requirements for restoration of the affected lands to their approximate original contour only if the appropriate State environmental agency approved the plan. The court held that since the Alabama regulation provides only a one-tier variance approval system, it is less stringent than and does not meet the applicable provisions of SMCRA.

The District Court remanded this provision of the Alabama program to the Secretary with instructions to rectify this matter. Therefore, the Secretary proposed to add a new condition to the Alabama program whereby the State would have to amend its program by specified date to incorporate requirements no less effective than 30 CFR 785.16(c)(4)(iii).

However, that action has been superseded because as part of its November 28, 1983 submission, Alabama submitted a proposed amendment to address this provision. Alabama submitted a draft memorandum of understanding between the Alabama Department of Environmental Management (ADEM) and the Alabama Surface Mining Commission (ASMC) which would, when finalized, provide for necessary consultation and approval authority on variances from approximate original contour for steep slope mining in accordance with 30 CFR 785.16(c)(4)(iii) and the decision of the District Court.

The memorandum provides in paragraph five for ASMC to submit to ADEM for review and approval or disapproval any preliminary determination by ASMC that a variance from the approximate original contour requirements proposed to be incorporated into a permit to conduct surface mining and reclamation operations on steep slopes will improve the watershed of lands within the proposed permit and adjacent areas. The memorandum was signed and became effective on January 12, 1984. The memorandum is incorporated in the Alabama program in Chapter V, the systems section, pursuant to 30 CFR 731.14(f) and 731.14(g)(9). Alabama's Chapter V, § 731.14(f), includes all supporting agreements between agencies having duties in the State program. Section 731.14(g)(9) provides for coordinating the issuance of permits with other agencies and requires, pursuant to section 22(e)(3)(C) of the State Act, the the ASMC obtain the approval of an appropriate State environmental agency prior to an approval of any variance from approximate original contour for steep slope mining. Section 731.14(g)(9) further provides that the "appropriate State environmental agency" and the procedures for obtaining approval will be as provided in the current memorandum of understanding in Chapter V, § 731.14(f) of the State program.

The Secretary finds that the memorandum of understanding provides for the necessary consultation and gives the ADEM the authority to approve or disapprove variances from approximate original contour for steep slope mining, and therefore is no less effective than the Federal regulations.

IV. Public Comments

The responses to public comments received are set forth below.

Two commenters supported the imposition of a condition of approval to require Alabama to amend its program to include a counterpart to 30 CFR 785.16(c)(iii), in order to comply with the decision of the District Court in *Citizens for Responsible Resource Development v. Watt*. The Secretary has determined that imposition of a condition is no longer necessary because Alabama has submitted a program amendment to accomplish the same purpose. The Secretary has found that the memorandum of understanding, as implemented in the systems section of the Alabama program, is no less effective than 30 CFR 785.16(c)(iii). *See* Finding III.D.3. above.

Acknowledgments pertaining to the Alabama amendments being acted upon today were received from the following government agencies:

Department of Labor

Mine Safety and Health Administration

Department of the Army

Corp's of Engineers

The disclosure of government agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Secretary's Decision

The Secretary, based on the above findings, is approving the November 28, 1983, amendments to the Alabama progam and is removing conditions (d), (e), and (m)(5). The Secretary has, based upon the above findings, decided to approve all of the other changes to Alabama's rules that are unrelated to conditions of approval. The Secretary is also approving the memorandum of understanding between the Alabama Department of Environmental Management and ASMC, and the revised systems section of the Alabama program.

The Secretary is amending Part 901 of 30 CFR Chapter VII to reflect approval of the above State program modifications.

VI. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 901

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

Dated: June 28, 1984.

Leona A. Power,

Acting Assistant Secretary for Land and Minerals Management.

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

PART 901—ALABAMA

§ 901.11 [Removed]

1. 30 CFR Part 901 is amended by removing § 901.11.

2. 30 CFR 901.15 is amended by adding a new paragraph (c) as follows:

§ 901.15 Approval of regulatory program amendments.

* * * * *

(c) The following amendments were approved effective July 5, 1984:

(1) Alabama revised regulations, submitted on November 28, 1983, as modified on May 3, 1984. These revisions were made to the following sections of Alabama rules:

880-X-8C-.06, 880-X-10C-.36, 880-X-10D-.33, 880-X-10C-.13,
880-X-10D-.13, 880-X-10C-.17, 880-X-10D-.17, 880-X-10C-.20,
880-X-10D-.20, 880-X-10C-.27, 880-X-10D-.25.

(2) Alabama revised systems, Chapter V, § 731.14(f) and 731.14(g)(9), including the Memorandum of Understanding between the Alabama Department of Environmental Management and the Alabama Surface Mining Commission, signed January 12, 1984.

[FR Doc. 84-17811 Filed 7-3-84; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 935

Extension of Deadline for Satisfaction of Condition of the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the Secretary of the Interior's decision to extend the deadline for Ohio to satisfy a condition of approval of the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition concerns the Ohio bonding system.

EFFECTIVE DATE: July 5, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

Background

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)-(f)10), (g), (h)(1)-(h)(3), (i)(1)-(i)(3), (j) and (k)(1)-(k)(5). In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983; deficiency (e) by September 16, 1982; and the remaining deficiencies by February 8, 1983. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy condition (h). On May 24, 1983, the Secretary approved certain of the amendments and removed a number of conditions, including (h)(2) and (h)(3), but found that condition (h)(1) was not fully satisfied. Condition (h)(1) requires the State to revise its bonding system to provide assurance of more timely reclamation at the site of all operations upon which bond has been forfeited. The Secretary established a deadline of August 8, 1983, for the State to meet condition (h)(1).

On July 26, 1983, Ohio requested an extension of time to meet certain conditions, including condition (h)(1). A six-month extension, until February 8, 1984, was granted on October 11, 1983 (48 FR 46027).

Despite the extension, on August 1, 1983, Ohio submitted a proposed program amendment to satisfy condition (h)(1) and explain that it was submitting the amendment in order to allow OSM sufficient time to review it and require any necessary changes. On March 13, 1984, the Secretary determined that the modification did not fully satisfy the condition and extended until April 15, 1984, the deadline for Ohio to satisfy the condition. (47 FR 9418).

Request to Extend Deadline

On April 16, 1984, the Chief of the Ohio Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet this condition. The Division requested a one-year extension, until April 30, 1985. The Chief noted in his letter that the State has already complied with three of the four steps that OSM specified were necessary in order to satisfy condition (h)(1). The remaining step, that of assuring that sufficient funding is available to support the alternative bonding program, requires action by the Ohio Legislature. The Division explained that despite its efforts, due to the complexity of the bonding issue and the short 1984 legislative session, it was unable to have a bill introduced and passed. The Ohio Legislature reconvened for a two-week period in mid-May, recessed and will not return until January 1985.

In accordance with the State's request, on May 8, 1984, OSM published a notice in the **Federal Register** (49 FR 19525) proposing that the deadline for the State to meet condition (h)(1) be extended until April 30, 1985. Comment

was solicited for 30 days ending June 7, 1984. No public comments were received.

Secretary's Decision

After considering the State's request and the circumstances surrounding the request, the Secretary has determined that an extension of the deadline for Ohio to satisfy condition (h)(1) is warranted. Ohio has agreed to continue to adhere to its previous commitments regarding: the scheduling of and timetables for construction of existing forfeiture projects; the necessary personnel to complete the projects; and securing the financial resources legally available to fund the projects until such time as the Legislature passes the needed legislation.

Procedural Matters

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 935

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

Dated: June 28, 1984.

Leona A. Power,

Acting Assistant Secretary, Land and Minerals Managment.

PART 935—OHIO

30 CFR 935.11 is amended by revising paragraph (h)(1) as follows:

§ 935.11 Conditions of State regulatory program approval.

* * * * *

(h) Steps will be taken to terminate the approval found in § 935.10: (1) Unless Ohio submits to the Secretary by April 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

* * * * *

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 84–17810 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 942

Federal Implementation of Small Operator Assistance Program Under the Tennessee Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to assume responsibility for administering the small operator assistance program (SOAP) under the Tennessee surface coal mining regulatory program.

Because Tennessee was not adequately administering segments of its approved regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), the Director, OSM, instituted Federal enforcement of portions of the Tennessee program effective April 30, 1984. (See 49 FR 15496, April 18, 1984.) Following this action, the Governor of Tennessee requested the State legislature to return to the Federal Government full responsibility for implementing a regulatory program under SMCRA in the State. In accordance with the Governor's request, the Legislature voted on May 16, 1984, to repeal the Tennessee Coal Surface Mining Law of 1980 effective October 1, 1984, and, thereby, return full regulatory responsibility to OSM on that date. On May 25, 1984, the Governor signed the House and Senate bills repealing the State Act.

In light of the impending transfer of all authorities from the State to OSM, the Tennessee Division of Surface Mining (DSM) requested on June 14, 1984, that OSM assume responsibility immediately for administering the SOAP portion of the Tennessee program. The State indicated that it believes that it is in the best interest to all concerned that OSM begin immediate action to assume responsibility for the SOAP program. In accordance with the State's request OSM is assuming responsibility for administering the Tennessee SOAP program effective August 6, 1984.

EFFECTIVE DATE: August 6, 1984.

ADDRESSES: Copies of the State's letter and other documents referenced in this notice are available for public inspection and copying during regular business hours at:

U.S. Department of the Interior, Office of Surface Mining, Room 5124, 1100 L Street, NW., Washington, D.C. 20240; Telephone: (202) 343–4728.

U.S. Department of the Interior, Office of Surface Mining, Knoxville Field Office, 530 Gay Street, SW., Suite 400, Knoxville, TN 37902.

FOR FURTHER INFORMATION CONTACT: Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, SW., Suite 400, Knoxville, Tennessee; Telephone: (615) 523–9523.

SUPPLEMENTARY INFORMATION: On August 12, 1982, the Secretary of the Interior conditionally approved Tennessee's program under SMCRA to regulate surface coal mining activities in the State.

On April 8, 1983, the Director initiated the process set forth under Part 733 of OSM's regulations for notifying a State that OSM has reason to believe the State is not adequately administering and enforcing its program and substituting Federal enforcement of the State program if necessary. Following a complete review of the State's implementation of its program pursuant to 30 CFR Part 733, the Director found that Tennessee was not adequately implementing certain segments of the program; therefore, he instituted Federal enforcement of portions of the State program starting April 30, 1984. A full explanation of the reasons why OSM instituted Federal enforcement and a listing of the segments of the State program for which OSM assumed responsibility starting April 30, 1984, is contained in the April 18, 1984 issue of the **Federal Register** (49 FR 15496).

Following OSM's action, the Governor of Tennessee advised OSM that he had requested the Tennessee legislature to

return to the Federal government full responsibility for implementing a regulatory program under SMCRA in the State. In accordance with the Governor's request the Tennessee legislature voted on May 16, 1984, to repeal the Tennessee Coal Surface Mining Law of 1980, effective October 1, 1984, and, thereby, return full regulatory responsibility to OSM on that date. On May 25, 1984, the Governor signed House bill 1366 and Senate bill 1341 repealing the State Act.

In a letter to OSM dated June 14, 1984, DSM requested that OSM immediately assume responsibility for administering the SOAP portion of the State program. OSM did not assume responsibility for the SOAP function on April 30, 1984, when it instituted Federal enforcement of other portions of the State program.

Because the State will be returning all regulatory responsibilities to OSM on October 1, 1984, DSM indicated it believes OSM should assume responsibility for the SOAP function as soon as possible. Any new contracts with laboratories that perform work for small operators would extend beyond October 1, 1984, and OSM would be responsible for managing those contracts after that date. For this reason, it would be advantageous for OSM to be involved in awarding any new contracts.

In accordance with the State's request, OSM is assuming responsibility for reviewing new applications for assistance submitted by small operators, awarding new contracts with laboratories to perform work for small operators and assisting the State in managing any existing SOAP contracts until the terms of those contracts are fulfilled or until they are terminated. This action is being taken pursuant to 30 CFR Part 733.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

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

List of subjects in 30 CFR Part 942

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

Accordingly, Part 942 is amended as set forth herein.

Dated: June 28, 1984

Leona A. Power,

Acting Assistant Secretary, Land and Minerals Management.

PART 942—TENNESSEE

30 CFR 942.17 is amended by adding a new paragraph (d) to read as follows:

§ 942.17 Direct Federal Enforcement of State Program

* * * * *

(d) Starting on August 6, 1984, OSM shall review new requests for assistance submitted by small operators and determine the eligibility of applicants for assistance in accordance with the provisions of Chapter 0400-1-28 of the Tennessee program regulations. The State's authority to make determinations of the eligibility of small operators for assistance is suspended starting August 6, 1984.

In addition, starting on August 6, 1984, OSM shall select and pay qualified laboratories to perform work for small operators in accordance with the Federal regulations at 30 CFR 795.9. The State's authority to enter into new contracts with laboratories to perform work for small operators is suspended effective August 6, 1984.

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

[FR Doc. 84–17812 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR–FRL–2621–6]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces final approval of the Minnesota State Implementation Plan (SIP) for lead, with the exception of the New Source Review portion of the Plan. In the December 29, 1983 (48 FR 57321) **Federal Register**, EPA proposed approval of the attainment demonstration, control strategy and monitoring plan as meeting all applicable requirements. No public comments were received by the Agency on these elements of the lead Plan. As a result, EPA is approving the attainment demonstration, control strategy and monitoring plan in today's **Federal Register.** Subsequent to EPA's proposal, the State changed the underlying source permitting authority upon which the New Source Review portion of the lead Plan was based; and will shortly submit the new authority as a SIP revision. For that reason, EPA will take action on the New Source Review portion of the lead Plan after the State submits its revised New Source permitting regulation.

EFFECTIVE DATE: This final rulemaking becomes effective on August 6, 1984.

ADDRESSES: Copies of this revision to the Minnesota SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Anne E. Tenner, at (312) 886–6036, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B–2, Roseville, Minnesota 55113.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886–6036.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, EPA promulgated National Ambient Air Quality Standards (NAAQS) for lead (43 FR 46258). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (ug/m^3), maximum arithmetic mean as averaged over a calendar quarter. Section 110(a)(1) of the Clean Air Act (the Act) requires each State to submit a SIP which provides for the attainment and maintenance of the primary and secondary NAAQS.

The general requirements for a SIP are outlined in section 110(a)(2) of the Act and EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E and in supplementary guidelines for lead SIPs. These provisions required the submission of air quality data, emission data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the Act, and provisions for insuring maintenance of the NAAQS.

The requirements specify that all stationary sources specified under those source categories listed in 40 CFR Part 51 (which emit 5 tons/year or more of lead or lead compounds) and any other stationary source (which emits 25 tons/year or more of lead or lead compounds) must be analyzed to determine their impact on the lead NAAQS. In addition, EPA established ambient lead monitoring and data handling requirements (46 FR 44159) in a September 3, 1981 notice, codified at 40 CFR Part 58.

II. Minnesota's Lead SIP

A. Attainment Demonstration and Control Strategy

The State of Minnesota submitted a SIP for the attainment and maintenance of the lead NAAQS on April 28, 1983. Minnesota's Plan includes a discussion of air quality data measured since 1977, an emission inventory of lead sources, atmospheric dispersion modeling analyses, and the necessary control strategies.

The State's modeling analysis demonstrates that full implementation of the control measures will provide for the attainment and maintenance of the NAAQS. Further discussion of the attainment demonstration may be found in the notice of proposed rulemaking which was published in the December 29, 1983 (48 FR 57321), **Federal Register**, and technical support documents which are located at Region V's office.

There were public comments received by the Agency on the proposed attainment demonstration and control strategies. As a result, EPA is approving these elements of the lead plan in today's **Federal Register.**

B. Lead Monitoring Plan

The State of Minnesota submitted a monitoring SIP to EPA on March 5, 1980. An amendment to the revision was submitted on June 2, 1980. The monitoring SIP which was subsequently approved on March 4, 1981 (41 FR 15138), designated two National Air Monitoring Stations (NAMS) and also included 16 State and Local Air Monitoring Sites Stations (SLAMS) for lead.

After subsequent review of lead monitoring as required by 40 CFR Part 58, the State revised its network to five SLAMS sites statewide as of January 1, 1983. EPA proposed approval of the lead monitoring plan in the December 29, 1983 (48 FR 57321) **Federal Register.** Further discussion of the lead monitoring plan may be found in the notice of proposed rulemaking and the technical support documents located at Region V's office. No public comments were received by the Agency on this element of the lead Plan. Therefore, EPA approves the revised Minnesota Air Quality Surveillance Plan as meeting all the requirements of sections 110 and 319 of the Act in today's **Federal Register.**

C. Lead New Source Review Plan

In the December 29, 1983, (48 FR 57321) **Federal Register**, EPA proposed approval of the Minnesota lead Plan, with the understanding that the State would clarify the New Source Review portion of the Plan prior to EPA's final rulemaking. EPA's proposed approval of the New Source Review Plan was contingent upon: (1) A demonstration from the State that its general permit rule, APC–3, includes authority to review construction permit applications against the Federal NAAQS for lead and (2) EPA's final approval of amended APC–3.

The State, however, on April 23, 1984, repealed amended APC–3 and in its place adopted a Consolidated Permit rule. Additionally, on February 15, 1984 and February 21, 1984, the State submitted information which is intended to demonstrate that the new Consolidated Permit rule satisfies EPA's concerns in relation to the lead New Source Review Plan. Before, EPA can make a final determination on the lead New Source Review provisions, the State must submit the Consolidated Permit rule as a SIP revision so that EPA can review the rule as it applies to lead New Source Review. As a result, EPA will take action on the New Source Review portion of the lead Plan after the State submits its revised New Source Review provisions.

Therefore, EPA is approving all the elements of the Minnesota lead Plan, with the exception of the New Source Review portion of the Plan in today's **Federal Register;** EPA will propose action at a future date on the overall Consolidated Permit rule, including the applicable provisions for lead New Source Review.

III. Summary

EPA has evaluated the Minnesota lead Plan by comparing it to the requirements for an approvable SIP, as set forth in the above mentioned Code of Federal Regulations. Therefore, since there were no public comments received by the Agency pertaining to this action, EPA approves the entire Minnesota lead Plan, with the exception of the New Source Review portion of the Plan. EPA will take action on the New Source Review portion of the Plan when the State of Minnesota submits its recently revised source permitting authority upon which that portion of the lead Plan was based. EPA will review and analyze the Consolidated Permit Rule as a separate SIP revision in the near future. EPA will propose rulemaking on this revised Consolidated Permit rule in a future **Federal Register** notice.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). 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

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Minnesota was approved by the Director of the Federal Register on July 1, 1982.

Authority: Secs. 110, 301, and 319 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601 and 7609).

Dated: June 29, 1984.

Alvin L. Alm,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1220 is amended by adding new paragraph (c)(22).

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(22) On April 28, 1983, Minnesota submitted its Lead SIP. Additional information was submitted on February 15, 1984, and February 21, 1984.

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[FR Doc. 84–17745 Filed 7–3–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 124

[FRL–2622–3]

301(k) Compliance Extensions for Innovative Technology; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on section 301(k) compliance extensions for innovative technology which was published on June 25, 1984 (49 FR 25978). The action is necessary to correct language used in adding a regulatory definition.

FOR FURTHER INFORMATION CONTACT: Marilyn Goode, 426–7010

SUPPLEMENTARY INFORMATION: On page 25981, second column, the amendatory language numbered 2. should have read:

"2. Section 124.2 is amended by adding the definition for *Consultation with the Regional Administrator* in alphabetical order as follows:".

Dated: June 29, 1984.

Frank E. Hall,

Deputy Director Permits Division, Office of Water Enforcement and Permits.

[FR Doc. 84–17743 Filed 7–3–84; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 201

Federal Information Resources Management Regulation (FIRMR); Ordering Procedure for Looseleaf Edition

AGENCY: Office of Information Resources Management, GSA.

ACTION: Notice of procedure for Federal agencies/departments to order FIRMR looseleaf edition.

SUMMARY: This notice announces the procedures for Federal agencies/departments to order copies of the looseleaf edition of the FIRMR. Individual agency offices will be responsible for assembling and making their quantity requirements for the FIRMR looseleaf edition known through their normal agency publication distribution channels to their Government Printing Office (GPO) Agency Liaison Officer. That official will be responsible for consolidating the agency requirements for submission to the GPO on a SF–1 rider requisition to the GPO jacket number assignment for the FIRMR and the GSA requisition number authorizing the printing.

APPLICABLE DATES: The **Federal Register** publication date of the complete text of the FIRMR is estimated to be in October 1984. The looseleaf edition will be prepared immediately thereafter. Agency GPO Liaison Officers have been advised to take action to consolidate agency FIRMR distribution requirements.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 or FTS, 566–0194 or Faye Deal, Reproduction Services Division, Office of Policy and Management Systems, telephone (202) 535–7693 or FTS, 535–7693.

SUPPLEMENTARY INFORMATION: (1) The General Services Administration has established a new Government-wide regulation called the Federal Information Resources Management Regulation (FIRMR). The final rule was published in the **Federal Register** (49 FR 20994, May 17, 1984). The FIRMR is located in the Code of Federal Regulations at Title 41 as a new Chapter 201.

(2) The initial FIRMR designated certain portions of the existing Federal Procurement Regulations (FPR) (41 CFR Ch. 1) and Subchapter F as well as certain portions of Subchapter B of the Federal Property Management Regulations (FPMR) (41 CFR Ch. 101) as FIRMR provisions. Currently, GSA is preparing a new single text which will integrate these provisions into the new FIRMR general structure. This complete text version of the FIRMR is scheduled for publication in the **Federal Register** in October 1984. The looseleaf edition will be prepared after this version of the FIRMR is published.

(3) The FIRMR provides Government-wide management, acquisition, and use policies and procedures for certain information resources; i.e., automatic data processing, office automation, telecommunications, and current records management. In addition to the regulation and amendments and temporary regulations as they are issued, the looseleaf edition will provide informational and guidance bulletins, indices of current bulletins, handbooks, reports, and illustrations of forms pertaining to the subject matter.

(4) It is recommended the following offices have access to the looseleaf version of the FIRMR: The senior official designated by the agency head according to the Paperwork Reduction Act of 1980 (44 U.S.C. 3506); The senior procurement executive designated by the agency head according to the Office of Federal Procurement Policy Act Amendments of 1983 (41 U.S.C. 414); Policy and program development offices reporting to the above referenced senior officials; Information resources program, facilities management and personal property offices; Procurement and contracting offices (including all procurement personnel assigned to information resources acquisitions); and Budget, administrative, oversight, audit, Inspectors General, legal counsel, and reference libraries supporting agency information resources activities.

(5) Agency GPO Liaison Officers have been requested to assemble requirements for a consolidated order to the GPO. Individual agency offices should make their requirements for copies known through normal agency publication distribution channels. A supplementary **Federal Register** notice is anticipated prior to the publication date which will establish a deadline for submission by each agency of an agency consolidated SF–1 rider requisition to the GPO. Since GPO supplies of copies cannot be anticipated to cover overlooked agency needs, it is important that early attention be given to this matter.

(6) Private sector companies, associations, businesses, publishers, and other interested parties will be provided with an opportunity to place subscription orders to the looseleaf edition of the FIRMR with the Superintendents of Documents. Ordering information will be provided in a subsequent **Federal Register** notice prior to the publication date.

Dated: June 27, 1984.

Francis A. McDonough,

Deputy Assistant Administrator for Federal Information Resources Management.

[FR Doc. 84–17758 Filed 7–3–84; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Availability of FM Broadcast Allotments; Announcement of Effective Date

AGENCY: Federal Communications Commission.

ACTION: Announcement of effective date of final rules.

SUMMARY: On May 26, 1983, the Commission adopted a *Report and Order* to increase the availability of FM broadcast allotments for licensing of FM broadcast stations. However the effective date of the implementing rules was to be announced at a future time by an announcement in the **Federal Register.** In a meeting held March 1, 1984, the Commission ordered that the previously adopted final rules were to be effective that date. Publication by this announcement is necessary so that all interested persons can now apply for FM broadcast stations using the procedures that will permit the more

efficient use of the FM broadcast spectrum.

EFFECTIVE DATE: March 1, 1984.

FOR FURTHER INFORMATION CONTACT: John Karousos or Kathryn Hossford, Mass Media Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION: On May 26, 1983, the Commission adopted a *Report and Order* in BC Docket 80–90 with effective date be concurrent with the adoption of a *Notice of Proposed Rulemaking* in a related proceeding. On March 1, 1984, the Commission adopted that notice under MM Docket 84–231, and therein stated that the effective date of amendments of the rules made in BC Docket 80–90 would be immediately effective. Therefore announcement is hereby given that the Rules shown in Appendix C of BC Docket 80–90 published at 47 FR 29486 on June 27, 1983, and further amended by *Memorandum Opinion and Order* published at 49 FR 10260 on March 20, 1984, and *Order* published at 49 FR 22088 on May 25, 1984, became effective March 1, 1984.

William J. Tricarico,

Secretary.

[FR Doc. 84–17643 Filed 7–3–84; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule Reclassifying the Snail Darter (Percina Tanasi) From an Endangered Species to a Threatened Species and Rescinding Critical Habitat Designation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) reclassifies the snail darter (*Percina tanasi)* from an endangered species to a threatened species which the Service believes better reflects the species' present status. This decision is based on the results of snail darter research and on the recommendations of the Snail Darter Recovery Team and the conclusions of the Service's approved Snail Darter Recovery Plan (U.S. Fish and Wildlife Service, 1983a). The snail darter is presently known from only six Tennessee River tributaries and from the main stem of the Tennessee River near the mouth of three tributaries. Most of these populations are extremely small and subject to threats to their continued existence. Neither the Service nor the Snail Darter Recovery Team believes sufficient evidence is presently available to allow the species to be removed from Endangered Species Act protection. The Service also rescinds presently designated snail darter critical habitat on the Little Tennessee River, Loudon County, Tennessee. This area no longer functions as snail darter habitat. It was flooded by the Tellico Reservoir when a Federal law was passed exempting the Tellico Project from Endangered Species Act consideration. Reclassifying the species' status and rescinding its critical habitat will not remove the Act's protection as the snail darter will continue to be protected as a threatened species.

EFFECTIVE DATE: August 6, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 8/672–0321), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771 or FTS 8/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The snail darter was first collected in August 1973 in the lower reaches of the Little Tennessee River, Loudon County, Tennessee, and was described by Dr. David Etnier (1976) as *Percina (Imostoma) tanasi.* The species is a robust fish, rarely exceeding 3.4 inches. The background color of the upper portion of the fish's sides is brown with a faint trace of green. Four dark brown saddle-like marks cross the back of the fish. The lower part of the sides is lighter and interspersed with dark blotches. The belly is white, and the upper portion of the head is dark brown. The cheeks are mottled brown and interspersed with traces of yellow. The fish inhabits shoal areas where the adults spawn. The hatchling young drift downstream and later return to the shoal areas.

The snail darter was listed as an endangered species on October 9, 1975 (40 FR 47506). Critical habitat on the Little Tennessee River, from river mile 0.5 to river mile 17, Loudon County, Tennessee, was designated on April 1, 1976 (41 FR 13926–13928). On September 25, 1979, a Federal law exempted the Little Tennessee River Tellico Reservoir Project from Endangered Species Act consideration. The reservoir was subsequently completed, and a reproducing snail darter population no longer exists in the Little Tennessee River.

When the species was listed and its critical habitat designated, the only known population was threatened by the imminent completion of Tellico Dam and the flooding of the fish's Little Tennessee River habitat. Prior and subsequent to the completion of the Tellico Reservoir project, snail darters were introduced to other streams in the Tennessee River Valley. To date, these introductions have proven successful only in the Hiwassee River, Polk County, Tennessee.

Snail darters were found in the Tennessee River, Loudon County, Tennessee, near the mouth of the Little Tennessee River in 1979. Subsequently, they were discovered in South Chickamauga Creek, Hamilton County, Tennessee, in 1980 and later in Catoosa County, Georgia. These discoveries led to additional searches in the Tennessee River and its tributaries. These searches resulted in the discovery of snail darters inhabiting three other Tennessee River tributaries (Sewee Creek, Meigs County, Tennessee; Sequatchie River, Marion County, Tennessee; and Paint Rock River, Jackson and Madison Counties, Alabama), and the main stem of the Tennessee River near the mouth of two tributaries, South Chickamauga Creek (Nickajack Reservoir, Hamilton County, Tennessee), and Sequatchie River (Guntersville Reservoir, Marion County, Tennessee). Review of these data in 1982 by the Snail Darter Recovery Team and the Service during its recovery planning process led the Service to determine that the species could be reclassified from endangered to threatened status. Neither the Recovery Team nor the Service felt sufficient evidence was available for the species to be removed entirely from Endangered Species Act protection.

On July 21, 1983 (48 FR 33328), the Service published an advance notice of a proposed rule to reclassify or delist the snail darter. That notice:

(1) Reaffirmed the Service's conclusion that the species, based on available data, could not be removed entirely from Endangered Species Act protection, but that it could be safely reclassified to threatended status;

(2) Presented the three alternatives from the Service's approved Snail Darter Recovery Plan by which the species

could be judged eligible for removal from the list of endangered and threatened wildlife; and

(3) Stated that the Service was involved in an extensive snail darter survey of Tennessee River tributaries aimed at satisfying Alternative B in the Snail Darter Recovery Plan. That criterion states that the species shall be considered recovered when:

> * * * more Tennessee River tributary populations of the species are discovered and existing populations are not lost. The number of additional populations needed to meet this criteria [sic] would vary depending on the status of the new populations, but two populations similar to Sewee Creek, South Chickamauga Creek, or Sequatchie River populations, or one comparable to the Hiwassee River population, would denote recovery.

And

> No present or foreseeable threats exist which could cause the species to become in danger of extinction throughout a significant portion of its range.

The Service has completed its snail darter survey (U.S. Fish and Wildlife Service, 1983b). The study confirmed that snail darters were still surviving in each of the five Tennessee River tributaries known to be inhabited by the species at the time the study was conducted. This survey did not uncover any new populations although twelve other Tennessee River tributaries were searched. However, one snail darter was found in the Little River, Blount County, Tennessee, by an independent stream survey crew (Dr. David Etnier, personal communication, September 1983). This river has been extensively surveyed in the past, and communication with biologists familiar with the species and the Little River indicates that it is unlikely that a substantial population exists there.

The Snail Darter Recovery Team reviewed the results of the Service's snail darter survey at a Recovery Team meeting on September 1, 1983. The conclusions reached at that meeting were communicated to the Regional Director, U.S. Fish and Wildlife Service, Atlanta, Georgia, in a September 2, 1983, letter from the Recovery Team leader. That letter made three recommendations to the Service: (1) The snail darter could be downlisted from endangered to threatened status, (2) insufficient data were available to consider removing the species from the Federal list, and (3) the requirements for a Federal permit to collect snail darters should be retained if downlisting occurs. Subsequent to the discovery of a snail darter in the Little River, Blount County, Tennessee, Recovery Team members were contacted to determine if this find changed their recommendations regarding the snail darter's future Federal status. All team members contacted were in agreement that the find of a snail darter in the Little River did not satisfy Alternative B (see above) of the Recovery Plan. They recommended that the Service proceed with reclassifying the species to threatened status.

The July 21, 1983, **Federal Register** (48 FR 33328) also solicited comments from government agencies, local governments, the scientific community, and other interested parties concerning the species' status, and environmental and other impacts of a proposal to downlist or delist the snail darter. The following is a summary of the responses received.

The Atlanta, Georgia, Regional Office of the Federal Energy Regulatory Commission responded that they were forwarding the Service's request for information to their Washington, D.C., office for response. We received no further comments from this agency.

All three of the State conservation agencies whose States are inhabited by the snail darter—the Alabama Department of Conservation and Natural Resources, the Georgia Department of Natural Resources (GDNR), and the Tennessee Wildlife Resources Agency (TWRA) supported reclassification of the species from endangered to threatened status. Both the GDNR and TWRA further stated that insufficient data were available to make the decision to delist the species.

The Vice-president, North American Production, Conoco Inc., commended the Service for its proposal to reclassify or delist the snail darter. He further stated that he believed it was evident the snail darter was in adequate supply for such a step.

The National Wildlife Federation supported the reclassification of the snail darter from endangered to threatened status. They concluded their letter by stating:

> * * * biological information on the snail darter indicates that the species is not in immediate danger of extinction and therefore we agree that the species should be reclassified to the threatened category. Delisting the species is not warranted at this time. The well-being of most newly discovered populations is unknown. Habitat degradation continues to propose potential threats and population monitoring, conducted over several years, will be necessary to determine the status of the fish throughout its range.

On February 21, 1984, the Service published in the **Federal Register** (49 FR 6388) a proposal to reclassify the snail darter from an endangered to a threatened species and rescind its critical habitat in the Little Tennessee River. The proposal provided information on the species' biology, status, threats, and potential implications of the proposed action.

Summary of Comments and Recommendations

In the February 21, 1984, proposed rule (49 FR 6388) and associated notifications, all parties were requested to submit factual reports or information which might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the Athens, Tennessee, Post-Athenian on March 8, 1984; in the Chattanooga, Tennessee, News-Free Press on March 9, 1984; and in the Huntsville, Alabama, Huntsville News on March 10, 1984, which invited general public comment. A total of ten comments were received and are discussed below.

The Tennessee Wildlife Resources Commission, Tennessee Department of Conservation, Tennessee Cooperative Fishery Unit, and one individual respondent supported the proposal to reclassify the snail darter to threatened status and rescind its Little Tennessee River critical habitat. The Georgia Department of Natural Resources; U.S. Department of the Interior, Geological Survey; and the Tennessee Valley Authority supported the proposal to reclassify the snail darter but made no mention of their position regarding rescinding presently designated critical habitat. The Service concurs with these comments and believes threatened status better reflects the species' true status and feels the present critical habitat on the Little Tennessee River should be rescinded as the area no longer functions as critical snail darter habitat.

The Georgia Department of Natural Resources encouraged the Service to continue monitoring known snail darter populations. The Tennessee Department of Conservation stated that they understood the Service intended to monitor the species. Although the Service's approved Snail Darter Recovery Plan (U.S. Fish and Wildlife Service, 1983a) outlines the need to develop and implement a snail darter monitoring program, the Service is not now and has no plans to carry out such a program in the immediate future. Funding for all programs identified in approved recovery plans is contingent

on a species' recovery priority, the project's recovery priority, and the availability of recovery implementation funds. Based on present funding levels and the recovery priority of the snail darter, it is unlikely funds will be available in the foreseeable future to formally monitor snail darter populations. However, the Service will maintain our present informal contacts with Federal and State agencies, conservation groups, aquatic biologists, and individuals interested in the species and the quality of its habitat. Through these contacts the Service will be able to determine if significant changes occur in the status of the species and its habitat.

The Tennessee Valley Authority commented on the Service's conclusions regarding the prudence of designating critical habitat for existing snail darter populations. They stated that information on the snail darter's distribution was already available in several public documents and therefore identifying stream reaches as critical habitat would be unlikely to increase illegal take of snail darters. They further stated that listing critical habitat would strengthen the protection of the habitat by clearly identifying those areas important to the survival of the species. The Service agrees that listing critical habitat would provide some additional protection for the snail darter. However, the Service believes the added protection provided by designating critical habitat would be offset by the increased threat to the species from illegal take and vandalism. The Service recognizes that information on the snail darter's distribution is available to the public. However, the critical habitat designation process would require that specific information on the species' distribution (including maps) and habitat requirements be published in the **Federal Register.** This detailed information would also be discussed at any public meeting that might be requested subsequent to proposing critical habitat.

The snail darter and issues surrounding the controversy with Tellico Dam on the Little Tennessee River have received a tremendous amount of notoriety. The Service believes designating snail darter critical habitat will revive this controversial issue. If snail darter distribution information was made common knowledge, an increased threat to the species from illegal take and vandalism would be likely.

The Federal Energy Regulatory Commission, Georgia Department of Agriculture, and Georgia Forestry Commission responded but took no position for or against the proposal.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the snail darter should be reclassified as a threatened species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) set forth the procedures for reclassifying species on the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the snail darter (*Percina tanasi*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range.

The historic range of the snail darter is virtually impossible to determine as essentially no preimpoundment collections were made from the main channel of the Tennessee River or its major tributaries. However, the Snail Darter Recovery Plan states that the species' range prior to the impoundments probably included gravel shoal habitat areas of the main channel Tennesee River and the lower reaches of its tributaries from perhaps north central Alabama upstream into eastern Tennessee. Presently, the snail darter is known from six Tennessee River tributaries and the main stem of the Tennessee River near the mouth of three tributaries.

Little River, Blount County, Tennessee. One snail darter was collected in the Little River in September 1983. This is the only specimen known from the river although the river has received considerable sampling. The specific site where the fish was taken has been sampled six times. The most recent collection (October 1983) was aimed at finding snail darters (Dr. David Etnier, personal communication, November 1983), but none were taken. This population is believed to be very small. Little River watershed is rural and sparsely developed. The river contains a diverse assemblage of fish species which indicates quality habitat.

Tennessee River at Watts Bar Reservoir, Loudon County, Tennessee. Snail darters were discovered in Watts Bar Reservoir in 1979 and have been observed on numerous occasions since that time. However, it is not known if these fish represent a reproducing population. The Little Tennessee River previously entered Watts Bar Reservoir at Tennessee River Mile (TRM) 601.1. If a population does exist in Watts Bar Reservoir, it could be threatened by port facility development proposed for TRM 592.5 and TRM 600.2.

Sewee Creek, Meigs County, Tennessee. Snail darters were first collected in Sewee Creek in 1980 and have been observed in the creek every year since that time. The species has been found in concentrations nearly identical to snail darter concentrations once found in the Little Tennessee River. However, the creek section inhabited by the species is very small (5.7 miles) thus limiting the size of the total population. Sewee Creek's habitat is probably one of the most secure of the six tributaries known to contain the snail darter. The watershed is small and mostly rural and forested.

Hiwassee River, Polk County, Tennessee. This population was introduced utilizing fish from the Little Tennessee population. The introduction appears to be successful. Small darters are reproducing and young-of-the year fish have been observed every year from 1976 through 1982. The population is the largest known to exist, and according to the Snail Darter Recovery Team, the population likely numbers 3,000 individuals.

Although the Hiwassee River population is large and appears to be doing well, it is not completely secure. The Hiwassee has had a history of train wrecks involving acid spills. However, recent railroad improvements should decrease the severity of any future spill. Heavy metal and pH problems in the Ocoee River, a tributary of the Hiwassee, also represent a threat to the population. Wastewater cleanup and reforestation programs have been implemented in the Ocoee to correct the problem. If these Ocoee River watershed programs prove successful, the snail darter population will likely be more secure.

South Chickamauga Creek, Hamilton County, Tennessee, and Catoosa County, Georgia. Snail darters were found in this creek in 1980 and have been collected intermittently since then. This population appears to exist in a precarious situation. The South Chickamauga Creek watershed contains many potential threats to the species including both runoff from urban areas and industrial sites, the threat of accidental chemical spills, and effluent

from a wastewater treatment plant. Growth projections for the watershed are significant. Unless the welfare of the species is condsidered, an increase in threats to the snail darter may be anticipated.

Tennessee River at Nickajack Reservoir, Hamilton County, Tennessee. Four snail darters were seen by scuba divers in Nickajack Reservoir near the mouth of South Chickamauga Creek in 1980. Whether this represents a resident population in the reservoir or part of the South Chickamauga Creek population cannot be determined based on available data. There are two projects under consideration which could impact the snail darter in the reservoir. A commercial dredging operation is proposed for TRM 453–460, and a port facility is proposed for TRM 466–468. Snail darters were found in areas near these proposed projects.

Sequatchie River, Marion County, Tennessee. This population was discovered in 1981 and has been sampled six times since. Although considerable effort has been aimed at assessing this population, only 13 snail darters have ever been observed in this river. The Sequatchie Valley is a rural area. However, it does contain coal reserves, and coal mining activities have brought siltation and pH problems to its tributaries. The Little Sequatchie River, a tributary of the Sequatchie, has experienced fish kills which have been partially attributed to coal mining activity.

Tennessee River at Guntersville Reservoir, Marion County, Tennessee. Two snail darters were observed by scuba divers in the Guntersville Reservoir area. It is not known if these fish represent a resident population of the main Tennessee River or if they are part of the Sequatchie River population. Snail darters in the reservoir could be impacted by a proposed dredging operation at TRM 390.3–423 and a proposed port facility at TRM 424.

Paint Rock River, Jackson and Madison Counties, Alabama. The snail darter population was found in this river in 1981 after extensive searches. A total of four days of sampling yielded only five individuals. Surveys in 1983 attempting to verify the continued existence of the species in the Paint Rock River found only one snail darter after seven days of searching in the same areas where the species had been previously found. The Paint Rock River Valley is forested in the upper basin with row crops predominating in the lower basin. Stream siltation and enrichment problems associated with agricultural activities are evident and pesticides may be a threat. The river was channelized by the U.S. Army Corps of Engineers in 1966. Presently, there are discussions in the valley that this procedure should be repeated.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.

The snail darter has received a tremendous amount of notoriety, and this has made the fish vulnerable to illegal take. At present the species is protected by Federal and State laws which require permits for scientific collecting. The degree of protection will not substantially change if the proposal to reclassify the snail darter to threatened status is finalized.

C. Disease or Predation

There is no evidence of threats from disease or predation.

D. The Inadequacy of Existing Regulatory Mechanisms

The Federal Endangered Species Act protects the species and its habitat through section 7(a)(2), which requires Federal agencies to ensure that any activity they authorize, fund, or carry out is not likely to jeopardize the continued existence of the species. These provisions of the Act would continue to protect the snail darter if the species is reclassified to threatened status. The states of Alabama, Georgia and Tennessee prohibit take without a scientific collecting permit.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

There are no other factors, natural or manmade, known to be affecting the continued existence of the snail darter.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to reclassify the snail darter from endangered to threatened status. (See "Critical Habitat" section of this rule for discussion of why critical habitat was rescinded in the Little Tennessee River and not designated in other rivers.) The species, by virtue of its distribution and status, no longer fits the Act's definition of an endangered species. Conversely, due to threats to the species' continued existence and the scant knowledge concerning the viability of most of the known populations, removing the species from Federal protection would be contrary to the Act's intent.

Critical Habitat

The Endangered Species Act in section 4(a)(3), as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitats at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The snail darter and issues surrounding it have received a tremendous amount of notoriety. Because of this, the Service believes that designation of critical habitat, which requires detailing the species' exact distribution and habitat, would increase the snail darter's vulnerability to illegal taking, subject it to deliberate vandalism, and increase the law enforcement problem. Therefore, because of the potential for increasing the threat to the species the Service finds that it is not prudent to determine critical habitat for the snail darter at this time.

The Service rescinds the present critical habitat in the Little Tennessee River from river mile 0.5 through river mile 17 and removes the area from Endangered Species Act protection. The area has been flooded by Tellico Reservoir and no longer provides suitable habitat for a snail darter population.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section (7a)(2) requires Federal agencies to ensure that activities they authorize,

fund, or carry out are not likely to jeopardize the continued existence of a listed species. If a Federal action may affect a listed species, the responsible Federal agency must enter into consultation with the Service. As the snail darter is being reclassified from endangered to threatened status, the species will continue to receive protection under section 7(a)(2) of the Act.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened animal species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

As there are no special rules associated with the snail darter reclassification, the species generally will continue to receive the same Endangered Species Act protection against taking under a threatened species category that it received as an endangered species. However, there is a slightly broader range of permits that are available for activities involving threatened species, 50 CFR 17.32.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Etnier, D.A. 1976. *Percina tanasi*, a new percid fish from the Little Tennessee River, Tennessee. Proc. Biol. Soc., Washington. 88(44):469–645.

U.S. Fish and Wildlife Service. 1983a. Snail Darter Recovery Plan. U.S. Fish and Wildlife Service, Atlanta, Georgia. 46 pp.

U.S. Fish and Wildlife Service. 1983b. Snail Darter Survey (July, August, and October 1983). U.S. Fish and Wildlife Service, Asheville, North Carolina. 45 pp.

Author

The primary author of this final rule is Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchaper B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend the table at § 17.11(h) by revising the entry of the "Darter, snail" (under FISHES) and deleting the critical habitat to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Darter, snail	*Percina tanasi*	U.S.A. (AL, GA, TN)	Entire	T	12,150	NA	NA

3. Amend § 17.95(e) for "Fishes" by deleting the entry for critical habitat for the snail darter.

Dated: June 27, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–17735 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 267

[Docket No. 40556–4056]

United States Standards for Grades of North American Freshwater Catfish and Products Made Therefrom

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: NOAA issues an interim rule to establish grading standards for North American catfish and products made therefrom. These interim Standards for Grades provide a system to classify North American catfish and products made therefrom by quality into four U.S. Grade categories: A, B, C, and Substandard. The intended effect is to permit identification of such quality levels on the product or product label for the benefit of the consumer and the industry. These Standards for Grades are intended to be used in a voluntary program of fishery products inspection and certification by NMFS.

DATES: The effective date for these interim Standards for Grades is August 6, 1984 until January 6, 1986. Comments must be received on or before July 5, 1985. Incorporation by reference in this document is approved by the Director of the Federal Register and is effective as of August 6, 1984.

ADDRESS: Send comments to Thomas J. Billy, Director, Office of Utilization Research, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Rita A. Creitz (Office of Utilization Research), 202–634–7458.

SUPPLEMENTARY INFORMATION: These interim Standards for Grades provide a system for Federal and State inspectors to classify North American catfish and products made therefrom by quality into four U.S. Grade categories (i.e., A, B, C, and Substandard) and allow identification of the product quality level for the benefit of the consumer and the industry.

These interim Standards for Grades are expected to facilitate trade in North American freshwater catfish and products made therefrom. They will allow consumers to select purchases of a greater variety of products on the basis of identified quality.

Interested persons are invited to submit written comments and suggestions on or objections to these interim Standards for Grades. The long time period for submitting comments allows industries an opportunity to test these interim Standards for Grades first and then provide comments based on their test results.

Because of the high level of interest expressed for the availability of these standards, the NMFS intends to use them in its voluntary program of fishery products inspection and certification.

Classification

The NOAA Administrator has reviewed this interim rule in accordance with Executive Order 12291 and has determined that it is not a "major rule" since promulgation of these voluntary Standards for Grades will have no significant adverse effect on the economy, costs or prices, and no impact on competition, employment, investment or productivity. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

It would be impracticable to follow the usual notice and comment procedures before putting this rule into effect on an interim basis. In order to comment on this standard, industry and other interested parties need experience with inspections, and the results of inspections, actually conducted under it. Furthermore, participation in the program is voluntary; thus, putting the standard into effect on an interim basis will not require any person to take an action which that person deems harmful to his or her interests.

The Regulatory Flexibility Act does not apply to this rule because the rule was not required to be promulgated as a proposed rule before issuance as an interim or final rule by section 553 of the Administrative Procedure Act or by any other law. Neither an initial nor final Regulatory Flexibility Analysis was prepared.

This interim rulemaking requires no collection of information from those members of the public who wish to participate in the seafood inspection and grading program and thereby contains no information collection requirements as defined by the Paperwork Reduction Act. Participation in the NMFS seafood inspection and certification program is strictly voluntary. To ascertain a grade will require authorized personnel to observe and record data on the product.

The Department has determined that this regulation will not significantly affect the quality of the human environment therefore no draft or final Environmental Impact Statement was or will be prepared.

The Department has determined that this interm rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

List of Subjects in 50 CFR Part 267

Food grades and standards, Seafood, Incorporation by reference.

Dated: June 28, 1984.

Carmin Blondin;

Deputy Assistant Administrator for Fisheries Resource Management.

For the reasons set forth in the preamble, a new Part 267 is proposed to be added to Chapter II of 50 CFR as follows:

PART 267—INTERIM UNITED STATES STANDARDS FOR GRADES OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Sec.

Authority: 16 U.S.C. 742e; 7 U.S.C. 1622, 1624.

§ 267.101 Description of the product.

(a) These U.S. Standards for Grades apply to products derived from farmraised or from rivers and lakes, North American freshwater catfish of the following common commercial species and hybrids thereof.

(1) Channel catfish (*Ictalurus punctatus*)

(2) White catfish (*Ictalurus catus*)

(3) Blue catfish (*Ictalurus lupus*)

(4) Flathead catfish (*Pylodictis olivaris*)

(b) Fresh products will be packaged in accordance with good commercial practices and maintained at temperatures necessary for the preservation of the product. Frozen products will be frozen to 0 °F (− 18 °C) at their center (thermal core) in accordance with good commercial practices and maintained at temperatures of 0 °F (− 18 °C)or less.

(c) These Standards will be implemented in accordance with the guidance set forth in Part II of NOAA Handbook 25, "Inspectors Instructions for Grading North American Freshwater Catfish and Products Made Therefrom".

§ 267.102 Product forms.

Catfish products may be presented and described as follows:

(a) Types refers to either—

(1) Fresh, or

(2) Frozen.

(b) Styles refers to either—

(1) Skin on, or

(2) Skinless.

(c) Market forms include but are not limited to the following:

(1) Headed and gutted.

(2) Headed dressed (headed and gutted, with or without dorsal spine, with or without collar bone).

(3) While fillets (practically boneless pieces of fish cut parallel to the entire length of the backbone with the belly flaps, with or without the black membrane).

(4) Trimmed fillets (whole fillets without belly flaps).

(5) Fillet strips (strips of fillets weighing not less than ¾ oz.).

(6) Catfish steaks (units of fish not less than 1½ oz. in weight; which are cut approximately (±30°) perpendicular to the backbone. The number of tail sections that may be included in the package must not exceed the number of fish cut per package).

(7) Nuggets (pieces of belly flaps with or without black membrane weighing not less than ¾ oz.).

§ 267.103 Grades.

(a) U.S. Grade A fresh or frozen products will possess good flavor and

odor and be within the limits specified for defects for U.S. Grade A quality in §267.104.

(b) U.S Grade B fresh or frozen products will possess reasonably good flavor and odor and be within the limits specified for defects for U.S. Grade B quality in §267.104.

(c) U.S. Grade C fresh or frozen products will possess reasonably good flavor and odor and be within the limits specified for defects for U.S. Grade C quality in § 267.104.

(d) "Substandard" fresh or frozen products will possess minimum acceptable flavor and odor or exceed the limits specified for physical defects for U.S. Grade C quality in § 267.104.

§ 267.104 Grade determination.

(a) *Procedures for grade determination.* The grade will be determined by evaluating the fresh product in the fresh and cooked states or the frozen product in the frozen, thawed, and cooked states in accordance with applicable paragraphs in this section.

(b) *Sampling.* Lot size, number of sample units, and acceptance numbers will be selected in accordance with 50 CFR 260.61, Tables II, V, or VI as applicable. A sample unit consists of 10 "portions" for market forms (1) and (2) or 2 pounds of "portions" for market forms (3) thru (7). "Portion" is one unit of any of the market forms.

(c) *Evaluation of flavor and odor.*—(1) *Procedure.* For raw odor evaluation, frozen portions may be frozen or thawed. They will be broken apart and the exposed flesh immediately held close to the nose to detect any off-odors. To evaluate flavor and odor, cook the sample units using the procedure from the 13th edition of *Methods of Analysis—A.O.A.C.* or its supplement as referenced in § 267.107.

(2) *Definition of flavor and odor.*—(i) *Good* flavor and odor (minimum requirements for a Grade A product) means that the product has the normal, pleasant flavor and odor characteristics of the species, and is free from off-flavors and off-odors of any kind, such as mustiness, staleness, and rancidity.

(ii) *Reasonably good* flavor and odor (minimum requirements of a Grade B and a Grade C Product) means that the product may be somewhat lacking in good flavor and odor characteristics of the species, but is free from objectionable off-odors of any kind.

(iii) *Substandard* flavor and odor means that the product does not meet the requirements for a U.S. Grade C or better product, but is safe for human consumption.

(d) *Examination for physical defects.* Each sample unit will be examined for physical defects using the defect definitions that follow. Deduction points are assigned in accordance with Table I.

(1) *"Condition of the product"* refers to the freedom from packaging defects, foreign material, cracks in the surface of the frozen product, and excess moisture (drip) or blood inside the package. Deduction points are based on the degree of defect.

(i) *Slight:* 1/16 square inch to one square inch in aggregate area.

(ii) *Moderate:* greater than one square inch up to 2 square inches in aggregate area.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category (e.g., 2⅛ in. receives 5 pts; 3⅛ in. receives 10 pts.).

(2) *"Discoloration"* refers to colors not normal to the species. This may be due to mishandling or the presence of blood, bile, or other substances.

(i) *Slight:* 1/16 square inch to one square inch in aggregate area.

(ii) *Moderate:* greater than one square inch up to 2 square inches in aggregate area.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category.

(3) *"Uniformity"* applies to sized or portion-controlled products. Uniformity refers to the degree of uniformity of the weights of the portions in the container. It is obtained by weighing individual portions to determine their conformity to declared weights. Uniformity will be assigned in accordance with the weight tolerances as follows:

Weight of portion—

.75 to 4.16 oz.

Moderate: up to ¼ ounce above or below declared weight of portion

Excessive: in excess of ¼ ounce above or below declared weight of portion

4.17 to 11.20 oz.

Moderate: up to ½ ounce above or below declared weight of portion

Excessive: in excess of ½ ounce above or below declared weight

11.21 to 17.30 oz.

Moderate: up to ¾ ounce above or below declared weight of portion

Excessive: in excess of ¾ ounce above or below declared weight of portion

(4) *"Skinning"* refers to improper cuts made during the skinning operation as evidenced by torn or ragged surfaces or edges, or gouges in the flesh which detract from the good appearance of the product.

(i) *Slight:* 1/16 square inch to 1 square inch in aggregate area.

(ii) *Moderate:* over one square inch to 2 square inches in aggregate area.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category.

(5) *"Heading"* refers to the presence of ragged cuts or pieces of gills, gill cover, pectoral fins (spines), or collar bone after heading. Deduction points also will be assigned when the product is marketed with the collar bone and it has been completely or partially removed.

(i) *Slight:* 1/16 square inch to one square inch in aggregate area.

(ii) *Moderate:* over one square inch to 2 square inches in aggregate area.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category.

(6) *"Evisceration"* refers to the proper removal of viscera, kidney, spawn, blood, reproductive organs, and abnormal fat (leaf). The evisceration cut should be smooth and clean. Deduction points are based on the degree of defect.

(i) *Slight:* 1/16 square inch to 1 square inch in aggregate area.

(ii) *Moderate:* over 1 square inch and less than 2 square inches in aggregate area.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category.

(7) *"Fins"* refers to the presence of fins, pieces of fins or dorsal spines. It applies to all market forms except headed and gutted and headed dressed catfish and catfish steaks. Deduction points also will be assigned when the product (usually headed and gutted) is marketed with the dorsal spine and it has been completely or partially removed.

(i) *Slight:* aggregate area up to one square inch.

(ii) *Moderate:* over one square inch to 2 square inches.

(iii) *Excessive:* over 2 square inches in aggregate area. Also, each additional complete one square inch is again assessed points under this category.

(8) *Bones* (including pin bone and fin bone). Each bone defect is a bone or part of a bone that is 3/16 inch (5.0 mm) or more at its maximum length *or* 1/32 inch (0.1 mm) or more at its maximum shaft width, or for bone chips (a part of the vertebra), a length of at least 1/16 inch (2.0 mm). An excess bone defect is any bone which *cannot* be fitted into a rectangle, which has a length of 1 9/16

inch (40 mm) and a width of ⅜ inch (10 mm).

(9) *"Skin"* refers to the presence of skin on skinless forms. For semiskinned forms, a skin defect is the presence of the darkly pigmented outside layers. Deduction points will be assessed for each aggregate occurrence greater than ½ square inch and less than one square inch.

(10) *Bloodspots"* refers to presence of coagulated blood; whereas,

"Bruises" refers to the softening and discoloration of the flesh. Deduction points will be assessed for each aggregate occurrence of bloodspots or bruises greater than ½ square inch and less the one square inch.

(11) *"Foreign Material"* refers to any extraneous material, including packaging material, not derived from the fish that is found on or in the portion. Each occurrence will be assessed.

(12) *"Dehydration"* refers to the loss of moisture from the fish flesh resulting in a dry, porous, or spongy condition and the oxidation of the surface of the tissue.

(i) *Slight:* surface dehydration which is not color masking (readily removed by scraping) affecting 3 to 10 percent of the surface area.

(ii) *Moderate:* deep dehydration which is color masking, cannot be easily scraped off with a sharp instrument, and effects more than one percent but not more than 10 percent of surface area.

(iii) *Excessive:* deep dehydration which is color masking, and cannot be easily scraped off with a sharp instrument and affects more than 10 percent of surface area.

(13) *"Texture"* refers to the presence of normal textural properties of the cooked fish flesh, i.e., tender, firm, and moist without excess water. Texture defects are described as dry, tough, mushy, rubbery, watery, and stringy.

(i) *Moderate:* noticeable as dry, tough, mushy, rubbery, watery, stringy.

(ii) *Excessive:* markedly dry, tough, mushy, rubbery, watery, stringy.

(e) *Listing defect points.* Each sample unit is examined for physical defects, using the list of definitions given herein. The point deductions for defects are listed for each sample unit, and the point values totaled. The total of the defect points determines the sample unit grade. The scoring system is based on a perfect score of zero.

(f) *Grade assignment.* Each sample unit will be assigned the grade in accordance with the limits for defects summarized as follows:

Grade assignment	Flavor and odor	Maximum number of defect points
U.S. Grade A	Good	15.
U.S. Grade B	Reasonably good	30.
U.S. Grade C	Reasonably good	40.
Substandard	Substandard	Over 40.

If a sample unit has been assigned a grade for flavor and odor different than the grade indicated by the number of defect points, the sample unit grade will be the lower grade.

§ 267.105 Tolerances for lot certification.

(a) The grade assigned to a lot is the grade indicated by the majority of the sample unit grades provided that the number of sample units in the next lower grade does not exceed the acceptance number as given in the sampling plans contained in § 260.61 of this chapter.

(b) The grade assigned to a lot is one grade below the majority of all the sample unit grades if either—

(1) The number of sample units in the next lower grade exceeds the acceptance number as given in the sampling plans contained in § 260.61 of this chapter, or

(2) The grade of any one of the sample units is more than one grade below the majority of all the sample unit grades.

§ 267.106 Hygiene.

Catfish products will be processed in official establishments as defined in § 260.6 of this chapter and maintained in accordance with §§ 267.101 to 267.107 of this chapter and of the good manufacturing practice regulations contained in 21 CFR Part 110.

§ 267.107 Methods of analysis.

Product samples will be analyzed in accordance with the "Official Methods of Analysis of the Association of Official Analytical Chemists", (AOAC), Thirteenth Edition (1980), sections 32.050 and 32.051 (page 543), section 18.001 (page 285) and the "Fourth Supplement to the Thirteenth Edition" (Journal of the AOAC, volume 66, number 2, 1983), section 18.001, (page 526), which are incorporated by reference. Copies of the AOAC methods may be obtained from AOAC, 1111 North Nineteenth Street, Arlington, VA 22209 and are available for inspection at the Office of the Federal Register, 1110 L Street, Room 8401, Washington, DC This incorporation by reference was approved by the Director of the Federal Register on January 10, 1984. These methods are incorporated as they exist on the date of this approval. A notice of any change in the sections of the AOAC methods cited herein will be published in the **Federal Register.**

TABLE I.—SCHEDULE OF POINT DEDUCTIONS OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

[Per sample unit unless otherwise indicated]

Scored factors	Degree of quality variation	Deduct
1 Condition of product:		
⅛ sq. in. to 1 sq. in.	Slight	1
Over 1 sq. in. to 2 sq. in.	Moderate	3
Over 2 sq. in. and each additional complete 1 sq. in.	Excessive	5
2 Discoloration:		
⅛ sq. in. to 1 sq. in.	Slight	4
Over 1 sq. in. to 2 sq. in.	Moderate	9
Over 2 sq. in. and each additional complete 1 sq. in.	Excessive	15
3 Uniformity: Deviation above or below declared weight of portion: Weight of portion—.75 to 4.16 oz., 4.17 to 11.20 oz., 11.21 to 17.30 oz. Moderate—¼ oz., ½ oz., ¾ oz., 5. Excessive—¼ oz., ½ oz., ¾ oz., 10.		
4 Skinning (skinless products only):		
⅛ sq. in. to 1 sq. in.	Slight	1
Over 1 sq. in. to 2 sq. in.	Moderate	3
Over 2 sq. in. and each additional complete 1 sq. in.	Excessive	8
5 Heading (whole fish only):		
⅛ sq. in. to 1 sq. in.	Slight	5
Over 1 sq. in. to 2 sq. in.	Moderate	16
Over 2 sq. in. and each additional complete 1 sq. in.	Excessive	30
6 Evisceration (whole fish and steaks only):		
⅛ sq. in. to 1 sq. in.	Slight	5
Over 1 sq. in. but less than 2 sq. in.	Moderate	16
2 sq. in. or over	Excessive	30
7 Fins:		
Up to 1 sq. in	Slight	1
Over 1 sq. in. to 2 sq. in.	Moderate	5
Over 2 sq. in.	Excessive	10
8 Bones (including pin bone):		
Bones: ⅜ in. long *or* 1/32 in. wide.	Each occurrence	5
Bone chip: 1/16 in. long	Each occurrence	5
Excessive: 1 1/16 in. long ⅜ in. wide.	Each occurrence	10
9 Skin (skinless products only):		
Greater than ⅛ sq. in. and less than 1 sq. in.	Each occurrence	5
10 Bloodspots, bruises:		
Greater than ⅛ sq. in. and less than 1 sq. in.	Each occurrence	5
11 Foreign matter:		
Harmless material	Each occurrence	4
12 Dehydration (frozen product only):		
Slight	Each occurrence affecting 3 to 10% of surface area but readily removed by scraping.	5

TABLE I.—SCHEDULE OF POINT DEDUCTIONS OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM—Continued

[Per sample unit unless otherwise indicated]

Scored factors	Degree of quality variation	Deduct
Moderate	Affecting more than 1% but not more than 10% of surface area and cannot be easily removed by scraping.	16
Excessive	Affecting more than 10% of surface area and cannot be easily removed by scraping.	30
13 Texture (cooked product only).	Moderate	5
	Excessive	16

[FR Doc. 84-17748 Filed 7-3-84; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 663

[Docket No. 40446-4072]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: This document announces final regulations implementing the first amendment to the Pacific Coast Groundfish Fishery Management Plan (FMP). Experience has demonstrated that seven requirements of the FMP should be modified to accommodate more flexible, fair, and reasonable management of the fishery. The amendment revises these requirements so that regulations are less burdensome to most fishermen, the groundfish resource will be conserved as necessary and fairly allocated, and the optimum yield will be achieved.

EFFECTIVE DATE: These regulations are effective 0001 Pacific Daylight Time, July 29, 1984.

ADDRESS: Copies of the amendment, combined with the environmental assessment and the regulatory impact review/final regulatory flexibility analysis, are available from the Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201, 502-221-6352.

FOR FURTHER INFORMATION CONTACT: Dr. T.E. Kruse (Acting Director, Northwest Region, NMFS) 206-526-6150; or Mr. E.C. Fullerton (Director, Southwest Region, NMFS) 213-548-2575.

SUPPLEMENTARY INFORMATION: Regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP) were published October 5, 1982 (47 FR 43964). Regulations proposed to implement Amendment 1 to the FMP were published April 16, 1984 (49 FR 14994) with a 45-day comment period. No comments were received.

The revisions to the regulations implementing the FMP include providing increased flexibility to achieve the 20-year rebuilding schedule for Pacific ocean perch; deleting a requirement (which had been deferred indefinitely) to mark intermediate miles of fixed gear groundlines; exempting recreational vessels and commercial passenger fishing vessels from vessel identification provisions; adding species to the groundfish management unit; slowing achievement of the OY for sablefish without providing a competitive advantage to either fixed or trawl gear; deleting a pelagic trawl footrope requirement; and establishing a separate, numerical optimum yield (OY) estimate for jack mackerel caught north of 39 °N. latitude. This final specification of OY is established in the following section. Several technical revisions announced in the proposed regulations dealing with the definition of "landing" at § 663.2 and with increases to OYs and ABCs at § 663.24 also are made final; the evolution of these revisions, including the history of public involvement, was discussed at length in the proposed regulations and amendment and is not repeated here. The regulation proposed at § 663.27(b)(3) allocating the last ten percent of the sablefish OY between fixed and trawl gears is revised to clarify that, as long as OY has not been reached, landings will be prohibited only for the gear type that has taken its five percent allocation of OY. However, landings will be prohibited for all gears when OY is reached, even if the five percent allocation has not been taken. Typographical errors in the proposed rule also have been corrected, notably the citation for the definition section which is at § 663.2 not "§ 663.4", and the incidental percentage allowance for rockfish excluding Pacific ocean perch which is 0.738 percent rather than "0.73 percent".

The Quinault, Hoh, Quileute, and Makah Indian tribes have informed the Council that they will adopt regulations governing tribal members who fish for groundfish off the Washington coast in 1984, and that these regulations will be consistent with the Federal regulations implementing the FMP.

Management Specifications and Retention Amounts

Amendment 1 establishes a numerical OY for jack mackerel (north of 39 °N. latitude). Accordingly, table 2 (published at 49 FR 1061 on January 9, 1984 and corrected at 49 FR 3190 on January 26, 1984) which announced 1984 specifications of OY and its components is revised to include jack mackerel. Footnote 1 also is modified to include the incidental allowances in a jack mackerel target fishery, and footnote 4 is revised to clarify the meaning of "other species." The amended table is reprinted in its entirety below.

TABLE 2.—FINAL SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1984

[In thousands of metric tons]

[Amended]

Species	Total OY	DAP	JVP [1]	DAH	Reserve	TALFF [1]
Pacific whiting	175.5	10.0	100.0	110.0	35.0	30.5
Sablefish	[2] 17.4	17.4	0.0	17.4	0.0	0.0
Pacific ocean perch	[3] 1.55	1.55	0.0	1.55	0.0	0.0
Shortbelly rockfish	10.0	3.4	0.0	3.4	0.0	6.6
Widow rockfish	9.3	9.3	0.0	9.3	0.0	0.0
Jack mackerel (north of 39° N. latitude)	12.0	2.0	10.0	12.0	0.0	0.0
Other species	[4]					

[1] In foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention percentages (based on JVP) are: Sablefish 0.173%, Pacific ocean perch 0.062%, rockfish excluding Pacific ocean perch 0.738%, flatfish 0.1%, jack mackerel 3.0%, and other species 0.5%. In foreign and joint venture fisheries for jack mackerel (north of 39° N. latitude), incidental allowance percentages are the same as in the Pacific whiting fisheries, except that the Pacific whiting allowance is 3.0% and, by definition, there is no incidental catch of jack mackerel. In foreign trawl and joint venture fisheries, "other species" means all species, including non-groundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding Pacific ocean perch, flatfish, jack mackerel, and prohibited species. If a foreign trawl or joint venture fishery develops for species other than Pacific whiting or jack mackerel, incidental allowance percentages will be stated in the conditions and restrictions to the foreign fishing permit. See § 611.70(c)(2) for application of incidental retention allowance percentages to joint venture fisheries.

[2] Of this 17,400 metric tons, 2,500 metric tons is for part of the Monterey subarea. See § 663.21(a)(2).

[3] Of this 1,550 metric tons, 600 metric tons is for the Vancouver subarea and 950 metric tons is for the Columbia subarea. Pacific ocean perch from other subareas are included in the OY for "other species." See § 663.21(a)(3).

[4] The total OY for "other species" (listed at §§ 663.2 and 663.21 (a)(3)) is that amount of fish that may be lawfully harvested and/or processed under § 611.70 and Part 663.

Classification

The Regional Director determined that these regulations are necessary for the conservation and management of the Pacific coast groundfish fishery and that they are consistent with the Magnuson Fishery Conservation and Management Act and other applicable law. The notice

of availability of the amendment was published on March 20, 1984. More detailed summaries of the following classifications appear in the preamble to the proposed regulations at 49 FR 14994.

The Council prepared an environmental assessment for Amendment 1 to the FMP and concluded that there will be no significant impact on the environment as a result of this rule. The environmental assessment is available from the Council at the address given above.

The NOAA Administrator determined that these regulations are not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Council prepared a regulatory impact review which appends the amendment and explains the reason for this determination.

The General Counsel of the Department of Commerce certified to the Small Business Administration that these regulations, if adopted, will not have a significant economic impact on a substantial number of small entities. The initial regulatory flexibility analysis which was prepared in conjunction with the regulatory impact review states that the total impact of these proposed regulations is expected to be beneficial but minor (see the summary at 49 FR 14994).

These regulations do not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that these regulations do not directly affect the coastal zone of any state with an approved coastal zone management program.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: June 29, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611 and 663 are amended as follows:

PART 611—[AMENDED]

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.70, a new paragraph (j)(5)(xiv) is added; paragraphs (j)(6), (7), and (8) are redesignated as (j)(7), (8), and (9), respectively; a new paragraph (j)(6) is added; newly redesignated paragraph (j)(7) is revised; and a new paragraph (j)(8)(iii) is added to newly redesignated paragraph (j)(8) to read as follows—

§ 611.70 Pacific coast groundfish fishery.

* * * * *

(j) * * *

(5) * * *

(xiv) For each haul in which Pacific whiting is not the directed species, the name of the directed species must be entered in the daily catch or daily receipt log following the trawl or receipt number.

(6) *Daily cumulative catch logs.* In addition to the requirements of § 611.9, information for each directed fishery must be maintained on a separate page of this log. If the directed (allocated) species is not Pacific whiting, the name of the directed species must be entered on the line below the permit number.

(7) *Daily cumulative receipt logs.* Operators of foreign vessels receiving U.S.-harvested fish must maintain a daily cumulative receipt log and must record on a daily basis the round weight of all species received during the permit period, whether retained or discarded. Information for each directed species and each fishing area must be maintained on a separate page of the log. (If the directed species is not Pacific whiting, the name of the directed species must be entered on the line below the permit number.) Data for a day (0001 GMT to 2400 GMT) must be recorded before the end of the next day. The following information must be recorded accurately in the daily cumulative receipt log:

* * * * *

(8) * * *

(iii) Any weekly catch report (CATREP) submitted under § 611.9(e) or weekly report of receipt of U.S.-harvested fish (RECREP) submitted under § 611.9(f) must state if it pertains to a directed species other than Pacific whiting by following the word "CATREP" or "RECREP" with the name of the directed species. If more than one directed fishery is conducted in the same week, a separate CATREP or RECREP must be submitted for each such species.

PART 663—[AMENDED]

3. The authority citation for Part 663 is as follows:

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

4. In § 663.2 the definitions of "*Groundfish*" and "*Land* or *landing*" are revised to read as follows:

§ 663.2 Definitions.

Groundfish means species managed by the Pacific Coast Groundfish Plan, specifically:

Common Name and Scientific Names

Sharks:
leopard shark, *Triakis semifasciata*
soupfin shark, *Galeorhinus zyopterus*
spiny dogfish, *Squalus acanthias*
Skates:
big skate, *Raja binoculata*
California skate, *R. inornata*
longnose skate, *R. rhina*
Ratfish: ratfish, *Hydrolagus colliei*
Morids: finescale codling, *Antimora microlepis*
Grenadiers: Pacific rattail, *Coryphaenoides acrolepis*
Roundfish:
cabezon, *Scorpaenichthys marmoratus*
*jack mackerel (north of 39° N. latitude), *Trachurus symmetricus*
kelp greenling, *Hexagrammos decagrammus*
lingcod, *Ophiodon elongatus*
Pacific cod, *Gadus macrocephalus*
*Pacific whiting, *Merluccius products*
*sablefish, *Anoplopoma fimbria*
Rockfish:
aurora rockfish, *Sebastes aurora*
bank rockfish, *S. rufus*
black rockfish, *S. melanops*
black and yellow rockfish, *S. chrysomelas*
blackgill rockfish, *S. melanostomus*
blue rockfish, *S. mystinus*
bocaccio, *S. paucispinis*
bronzespotted rockfish, *S. gilli*
brown rockfish, *S. auriculatus*
calico rockfish, *S. dalli*
California scorpionfish, *Scorpaena guttata*
canary rockfish, *Sebastes pinniger*
chilipepper, *S. goodei*
China rockfish, *S. nebulosus*
copper rockfish, *S. caurinus*
cowcod, *S. levis*
darkblotched rockfish, *S. crameri*
dusty rockfish, *S. ciliatus*
flag rockfish, *S. rubrivinctus*
gopher rockfish, *S. carnatus*
grass rockfish, *S. rastrelliger*
greenblotched rockfish, *S. rosenblatti*
greenspotted rockfish, *S. chlorostictus*
greenstriped rockfish, *S. elongatus*
harlequin rockfish, *S. variegatus*
honeycomb rockfish, *S. umbrosus*
kelp rockfish, *S atrovirens*
longspine thornyhead, *Sebastolobus altivelis*
Mexican rockfish *Sebastes macdonaldi*
olive rockfish, *S. serranoides*
*Pacific ocean perch, *S. alutus*
pink rockfish, *S. eos*
quillback rockfish, *S. maliger*
redbanded rockfish, *S. babcocki*
redstripe rockfish, *S. proriger*
rosethorn rockfish, *S. helvomaculatus*
rosy rockfish, *S. rosaceus*
rougheye rockfish, *S. aleutianus*
sharpchin rockfish, *S. zacentrus*
*shortbelly rockfish, *S. jordani*
shortraker rockfish, *S. borealis*

shortspine thornyhead, *Sebastolobus alascanus*
silvergray rockfish, *Sebastes brevispinis*
speckled rockfish, *S. ovalis*
splitnose rockfish, *S. diploproa*
squarespot rockfish, *S. hopkinsi*
starry rockfish, *S. constellatus*
stripetail rockfish, *S. saxicola*
tiger rockfish, *S. nigrocinctus*
treefish, *S. serriceps*
vermilion rockfish, *S. miniatus*
*widow rockfish, *S. entomelas*
yelloweye rockfish, *S. ruberrimus*
yellowmouth rockfish, *S. reedi*
yellowtail rockfish, *S. flavidus*

All genera and species of the family Scorpaenidae that occur off Washington, Oregon, and California are included, even if not listed above. The Scorpaenidae genera and *Sebastes, Scorpaena, Scorpaenodes,* and *Sebastolobus.*

Flatfish:
arrowtooth flounder [arrowtooth turbot], *Atheresthes stomias*
butter sole, *Isopsetta isolepis*
curlfin sole, *Pleuronichthys decurrens*
Dover sole, *Microstomus pacificus*
English sole, *Parophrys vetulus*
flathead sole, *Hippoglossoides elassodon*
Pacific sanddab, *Citharichthys sordidus*
petrale sole, *Eopsetta jordani*
rex sole, *Glyptocephalus zachirus*
rock sole, *Lepidopsetta bilineata*
sand sole, *Psettichthys melanostictus*
starry flounder, *Platichthys stellatus*

Note.—Only those species marked with an asterisk (*) have a numerical OY; the others are in the "other species" complex. See § 663.21.

* * * * *

Land or *landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

* * * * *

5. Section 663.6 is revised to read as follows:

§ 663.6 Vessel identification.

(a) *Display.* The operator of a vessel which is over 25 feet in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block arabic numerals at least 18 inches high for vessels over 65 feet long and at least 10 inches high for vessels between 25 and 65 feet in length. The length of a vessel for purposes of this section is the length set forth in U.S. Coast Guard records or in State records if no U.S. Coast Guard record exists.

(b) *Maintenance of numbers.* The operator of a vessel engaged in commercial fishing for groundfish shall keep the identifying markings required by paragraph (a) of this section clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(c) *Commercial passenger vessels.* This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

6. In § 663.21, paragraph (a)(1) is revised to read as follows:

§ 663.21 General limitations.

(a) *Optimum yield.* (1) Numerical optimum yields (OYs) for Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and jack mackerel (north of 39°00′ N. latitude) in the regulatory subareas are published in the **Federal Register.** OYs for those six species are the maximum amount which may be retained or landed shoreside each year in the fishery management area or relevant subarea and include fish caught in the territorial sea (0–3 nautical miles). The "other species" complex has no numerical OY and is regulated by the gear, area, and catch restrictions set forth in this Subpart B.

* * * * *

7. In § 663.22, paragraph (c) is added to read as follows:

§ 663.22 Inseason adjustments.

* * * * *

(c) *Modifications to catch restriction for Pacific ocean perch.* (1) Catch restrictions applicable to Pacific ocean perch are specified at § 663.27(b)(2). After receiving a recommendation and written report from the Pacific Fishery Management Council, the Secretary may publish one or more notices under § 663.23 to modify these catch restrictions if it is determined that such modification is necessary to achieve the OY based on the 20-year rebuilding schedule.

(2) A public hearing will be held before any determination is made that modification of catch restrictions applicable to Pacific ocean perch is necessary to achieve OY, and before the Secretary publishes any notice to implement such modification.

* * * * *

8. In § 663.24, paragraph (a) is revised to read as follows:

§ 663.24 Annual adjustments.

(a) Each year, the Secretary will publish a notice in the **Federal Register** specifying optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF) for Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and jack mackerel (north of 39°00′ N. latitude). The Secretary may publish season and area restrictions, incidental catch and receipt allowance restrictions, and any other restrictions, for any TALFF or JVP amount that may be specified for species other than Pacific whiting. The Secretary also will publish the annual ABCs for groundfish in the **Federal Register.** Annual specifications of numerical OYs and ABCs by the Secretary will not exceed by more than 30 percent the OYs and ABCs specified at the beginning of the previous fishing year.

* * * * *

9. In § 663.26, paragraphs (b)(6), (d)(4), and (f)(2) are revised to read as follows:

§ 663.26 Gear restrictions.

* * * * *

(b) * * *

(6) *Pelagic trawls.* Pelagic trawl nets must have unprotected footropes at the trawl mouth (without rollers or bobbins). Sweeplines, including the bottom leg of the bridle, must be bare.

* * * * *

(d) * * *

(4) Traps laid on a groundline must be marked at the surface at each terminal end with a pole and flag, light, radar reflector, and a buoy displaying clear identification of the owner.

* * * * *

(f) * * *

(2) Longlines must be marked at the surface at each terminal end with a pole and flag, light, radar reflector, and a buoy displaying clear identification of the owner.

* * * * *

10. In § 663.27, paragraphs (b)(2) and (b)(3) are revised to read as follows:

§ 663.27 Catch restrictions.

* * * * *

(b) * * *

(2) *Pacific ocean perch.* The trip limit for Pacific ocean perch is 5,000 pounds or 10 percent by weight of all fish on board, whichever is greater, per vessel per fishing trip, except as modified under § 663.22(c).

(3) *Sablefish.* When it is determined that 90 percent of the OY will be reached for that portion of the Monterey subarea between 37°00′ N. latitude and 36°30′ N. latitude, or for the fishery management area as a whole, the Secretary will publish a notice in accordance with § 663.23 applicable to the relevant area dividing the 10 percent balance of OY equally (5 percent apiece) between trawl gear and fixed gear, and

establishing a percentage trip limit for trawl gear. The trip limit will be based on the most recent data available for the season and will equal the average percentage of sablefish in all trawl landings containing sablefish in the area to which the trip limit applies (between 37°00′ N. latitude and 36°30′ N. latitude, or the fishery management area as a whole), but in no event will the trip limit exceed 30 percent by weight of all fish on board. If the Secretary determines that either trawl or fixed gear in the relevant area will take its 5 percent balance of OY, the Secretary will publish a notice of closure under § 663.23 prohibiting retention and landing of sablefish taken by that gear type in the relevant area. The provisions at § 663.21(b) prohibiting landings when OY is reached will apply even if fixed or trawl gear has not landed its 5 percent balance.

* * * * *

(b) * * *

(2) *Pacific ocean perch.* The trip limit for Pacific ocean perch is 5,000 pounds or 10 percent by weight of all fish on board, whichever is greater, per vessel per fishing trip, except as modified under § 663.22(c).

(3) *Sablefish.* When it is determined that 90 percent of the OY will be reached for that portion of the Monterey subarea between 37°00′ N. latitude and 36°30′ N. latitude, or for the fishery management area as a whole, the Secretary will publish a notice in accordance with § 663.23 applicable to the relevant area dividing the 10 percent balance of OY equally (5 percent apiece) between trawl gear and fixed gear, and establishing a percentage trip limit for trawl gear. The trip limit will be based on the most recent data available for the season and will equal the average percentage of sablefish in all trawl landings containing sablefish in the area to which the trip limit applies (between 37°00′ N. latitude and 36°30′ N. latitude, or the fishery management area as a whole), but in no event will the trip limit exceed 30 percent by weight of all fish on board. If the Secretary determines that either trawl or fixed gear in the relevant area will take its 5 percent balance of OY, the Secretary will publish a notice of closure under § 663.23 prohibiting retention and landing of sablefish taken by that gear type in the relevant area. The provisions at § 663.21(b) prohibiting landings when OY is reached will apply even if fixed or trawl gear has not landed its 5 percent balance of OY.

[FR Doc. 84-17781 Filed 6-29-84; 4:37 pm]
BILLING CODE 3510-22-M

50 CFR Part 630

[Docket No. 40449-4066]

Atlantic Swordfish Fishery

Correction

In FR. Doc. 84-15886 beginning on page 24380 in the issue of Wednesday, June 13, 1984, make the following correction.

On page 24381, second column, under the heading "changes From the Proposed Rule" in number 6, "Section 630.5(d)" should read "Section 630.5(e).

BILLING CODE 1505-01-M

50 CFR Part 672

[Docket No. 31230-251]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), Commerce.

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the optimum yields of sablefish in the East Yakutat and Southeast Outside Districts of the Eastern Regulatory Area of the Gulf of Alaska will be achieved on June 29, 1984, and that closure is necessary to protect sablefish stocks in these districts. Therefore, the Secretary of Commerce closes the entire East Yakutat District and the Southeast Outside District except for certain areas that intrude as cul-de-sacs into coastal waters of the southeast Alaska archipelago to fishing for sablefish (See DATES below). This action is intended to promote the conservation of sablefish.

DATES: This notice is effective from 12:00 noon, Alaska Daylight Time, June 29, 1984, until 12:00 noon, Alaska Standard Time, December 31, 1984. Public comments are invited on this closure until July 13, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. ADT weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP), which governs the groundfish fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of fishing seasons and areas. Implementing rules at § 672.22 specify that these orders will be issued by the Secretary of Commerce (Secretary) under criteria set out in that section.

Section 672.2 defines three regulatory areas of the Gulf of Alaska. One of these is the Eastern Regulatory Area, which is further divided into four regulatory districts for the purpose of better managing sablefish: West Yakutat, East Yakutat, Southeast Outside, and Southeast Inside. Optimum yields (OYs) for the contiguous East Yakutat and Southeast Outside Districts are 850–1,135 metric tons (mt), and 470–1, 435 mt, respectively. These amounts are specified at § 672.20, Table 1 (49 FR 1061, January 9, 1984).

About 60 vessels have participated in the fishery since it opened on January 1, 1984, harvesting about 2,346 mt in the East Yakutat and Southeast Outside Districts through June 21, 1984. Considering catch rates of 35 mt/day, and estimates of sablefish caught but not yet landed and reported, the Regional Director has determined that the upper end of the OY ranges of 1,135 mt and 1,435 mt for the East Yakutat and Southeast Outside Districts, respectively, will be achieved on June 29, 1984.

This closure does not pertain to certain areas of the Southeast Outside District that intrude as cul-de-sacs into coastal waters of the southeast Alaska archipelago. These areas are now closed to fishing for sablefish by an emergency rule implemented (49 FR 8931, March 9, 1984) and extended (49 FR 24142, June 12, 1984) under § 305(e) of the Magunuson Act. The North Pacific Fishery Management Council (Council), when it originally adopted the FMP, intended that these intrusions be included as part of the Southeast Inside District; the Council's policy is that Federal management of the intrusions should be coordinated with the State of Alaska's management in this district. Accordingly, the season for the sablefish fishery in these intrusions is scheduled to open on September 1, 1984, when the emergency rule expires, to coincide with Alaska's opening of the Southeast Inside District to fishing for sablefish. Sablefish harvested in the intrusions before this emergency closure will be counted as part of the OY of the Southeast Inside District.

The Secretary, under § 672.22(a), prohibits further fishing for sablefish in the East Yakutat and Southeast Outside Districts until 12:00 noon December 31, 1984, except in the intrusions, which open September 1, 1984. This closure will be effective when this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

The sablefish stock in the affected districts will be subject to harm unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order are contrary to the public interest and that its effective date should not be delayed.

This action is taken under the authority of §§ 672.20 and 672.22, and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It requires no collection of information for purposes of the Paperword Reduction Act.

List of Subject in 50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Services.

[FR Doc. 84-17789 Filed 6-29-84; 4:35 pm]

BILLING CODE 3510-22-M

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50 CFR Part 674

[Docket No. 40453-4053]

High Seas Salmon Fishery off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Closure.

SUMMARY: The Secretary of Commerce closes the southeast Alaska commercial troll fishery in the fishery conservation zone for all salmon species from July 1, 1984 until July 10, 1984. The closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries and to delay achievement of the 1984 chinook salmon allowable catch until after the peak the coho salmon fishery. This closure complements an identical closure in Alaska territorial waters.

DATE: This notice is effective at 12:01 a.m. Alaska Daylight Time (ADT) July 1, 1984, and will expire at 12:00 midnight ADT July 10, 1984. Public comments on this notice of closure are invited until July 30, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 30-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. ADT weekdays) at the NMFS Alaska Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: James R. Wilson (Regional Economist, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: Salmon fishing in the fishery conservation zone (FCZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude (FMP), developed and amended by the North Pacific Fishery Management Council (Council) and implemented through regulations appearing at 50 CFR Part 674 (46 FR 33041, June 26, 1981; 46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas by field order. Section 674.23 was amended (48 FR 17358 April 22, 1983) to clarify the authority of the Secretary of Commerce to use field orders to achieve any specfic allowable catch within the optimum yield (OY) range determined necessary for the conservation and management of chinook salmon. The authority for making this determination has been delegated to the Director, Alaska Region, NMFS (Regional Director).

At its February 1-3, 1984, meeting, the Council recommended to the Regional Director that the commercial troll salmon fishery be managed to delay achievement of the chinook salmon allowable catch until after the majority of the coho salmon catch had occurred, thereby avoiding a lengthy end-of-season closure for chinook while fishermen continued to harvest coho. Otherwise, substantial numbers of chinook would be caught and released incidental to coho fishing. Furthermore, there is significant hooking mortality of incidentally caught chinook. This situation would not only be harmful to the chinook resource, but would also be a cause for concern among fishermen who would be forced to discard otherwise marketable fish.

The Alaska State Board of Fisheries (Board) recommended a similar program to the Commissioner, Alaska Department of Fish and Game, for management of the salmon fishery in State waters. The Regional Director concurs with the Council's recommendation to close the commercial troll fishery for all salmon species and recommends coordinating this inseason closure with Alaska's closure to delay achievement of the chinook salmon allowable catch until after the peak of the coho season (expected in the latter half of August) and to avoid confusion and facilitate enforcement.

The Council further recommended to the Regional director that the 1984 harvest of chinook salmon be limited to a number of fish at the low end of the 243,000-272,000 OY range. The Regional Director concurs with the Council and recommends managing the 1984 commercial salmon fishery in the FCZ, in coordination with the State of Alaska, to achieve a total chinook salmon harvest of 246,000 fish. This figure includes 3,000 fish from Alaska hatcheries and 243,000 fish from natural production. The Board adopted an identical harvest guideline for State waters.

Approximately 33,000 chinook were harvested in this year's winter fishery. Since the June 5, 1984 opening an estimated 127,000 fish have been taken.* Catches were initially 20 fish per boat per day during the first week of the fishery, with an average of 11.4 fish per boat per day reported through June 16. At this level of harvest, the Regional Director has determined that a temporary closure for all species is necessary now to avoid an early closure of the chinook salmon fishery and a resulting single-species fishery for coho salmon.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through procedures of the Alaska Department of Fish and Game, under § 674.23(b)(2). If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it, unless it has already expired.

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* It is also expected that about 20,000 chinook will be taken in the net fisheries late in the season. Thus, 180,000 fish have been accounted for already.

Other Matters

The Regional Director has determined that the chinook salmon resource harvested in southeast Alaska will be subject to harm unless this order takes effect promptly. The Agency therefore finds for good cause that advanced notice and public comment on this order are contrary to the public interest and that its effective date should not be delayed.

This action is taken under the authority of § 674.23, and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It contains no collection of information request for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: June 29, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

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Proposed Rules

Federal Register
Vol. 49, No. 130
Thursday, July 5, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO 83-1]

Kiwifruit Grown in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes a marketing agreement and order regulating the handling of kiwifruit grown in California. It provides interested persons with the opportunity to file written exceptions and comments concerning this recommended decision and issues discussed therein. The proposed order would establish a committee and grower for local administration and authorize grade, size, quality, maturity pack, and container regulations. The program would be financed by assessments levied on handlers of the commodity. The primary objective is to authorize establishment of minimum quality requirements for kiwifruit shipped to market. Consumers would thereby be assured a reliable supply of good quality fruit and growers would benefit from the resulting consumer confidence and increased acceptance of the product.

DATE: Written exceptions to this recommended decision and issues discussed herein, may be filed by July 20, 1984.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5975.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing (hereinafter referred to as the "notice of hearing"), issued November 21, 1983, and published in the **Federal Register** (48 FR 54032) on November 30, 1983.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of kiwifruit grown in California.

This recommended decision and the opportunity to file exceptions thereto is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) (hereinafter referred to as the "act"), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The declared policy of the Agricultural Marketing Agreement Act of 1937, as stated in section 2 of the Act, 7 U.S.C. 602(2), provides for establishing and maintaining such orderly marketing conditions as will establish parity prices to farmers and will avoid unreasonable fluctuations in supplies and prices. It also provides for establishing and maintaining such container and pack requirements, such minimum requirements for enumerated agricultural commodities, other than milk and its products, as will effectuate in the public interest the orderly marketing of such agricultural commodities. The order proposed herein can only be made effective if the Secretary finds, on the basis of the evidence at the hearing, that such order and all of the terms and conditions thereof will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937. It is not contemplated that the intent of the quality and container regulations proposed herein would be to prevent good quality product from reaching the market. However, it is in accordance with the declared policy of the Act to keep low quality, ungraded, immature fruit off the market.

This recommended decision will discuss the various aspects of the record evidence which is relevant and material to the issue of whether adoption of the proposed marketing order for California kiwifruit would tend to effectuate the declared policy of the Act. Such evidence includes a brief explanation of the issues of fact and law, a history of the industry and the commodity proposed to be regulated (including volume of production, returns realized by growers, information relating to marketing, and other factors). Also discussed are problems which the industry is facing and how the recommended order is expected to alleviate these.

The proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated on the record of a public hearing held at Sacramento, California, during the period of February 6-15, 1984. Notice of the hearing was published in the November 30, 1983, issue of the **Federal Register.** The notice of hearing set forth a proposed order submitted by the Kiwifruit Growers of California, Inc., on behalf of producers and handlers of kiwifruit grown in the proposed production area. The notice also contained proposals submitted by Mr. Al Caldwell of Kelseyville, California, and by the Agricultural Marketing Service. Mr. Caldwell attended the hearing, but did not present evidence on his proposals. However, Mr. Caldwell's proposals were in large measure incorporated by the Kiwifruit Growers of California, Inc. (hereinafter referred to as the proponents) in its testimony, and will be treated in the discussion of the proponent's proposals in this recommended decision.

Small Businesses

As stated in this notice of hearing, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposals on small business. Based on the record evidence, a sizeable majority of both kiwifruit handlers and kiwifruit growers could be considered small businesses for purposes of the Regulatory Flexibility Act (Pub. L. 96-354) (RFA). In that regard, considerable testimony was presented concerning the various operations with regard to kiwifruit such as packing, storing and shipping and

their corresponding costs, and although such costs exhibited some variation, there was general agreement on the operations involved. However, no clear relationship could be drawn between the size of packers' and shippers' businesses and the corresponding costs.

The purpose of the RFA is to fit regulatory action to the scale of businesses subject to such action in order that small businesses will not be unduly or disproportionately burdened. The Agricultural Marketing Agreement Act requires the application of uniform rules to regulated handlers. Marketing orders and rules proposed thereunder are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the Agricultural Marketing Agreement Act are usually compatible with respect to small business entities. This is especially true in this proceeding since it deals mostly with small business entities and since the regulatory scheme proposed herein is considered to be the minimum necessary to accomplish the purposes of both the proposed order and the Agricultural Marketing Agreement Act of 1937.

While the order recommended herein would impose some regulations on affected businesses and the number of such businesses may be substantial, any added burden should not be significant vis-a-vis the added benefit which should accrue to such businesses. The expected impact on persons acting in a handling capacity who could be classified as small businesses is discussed further in this recommended decision. In summary, the testimony is that the order should be operated in as efficient and economical a manner as will tend to effectuate the declared policy of the act. In this way all entities, small and large would be subject to minimal regulatory requirements as a result of the order. Also, the record evidence is that there is no practical means of exempting small businesses from the order and the regulations, and still carrying out the declared policy of the act. However, as discussed in the material issues, the proposed order would contain the authority to exempt from regulation special purpose shipments, and the order should be operated in a way that would incorporate sound business practices and efficiencies which minimize the burdens on all regulated business entities.

With respect to small businesses that are now kiwifruit growers or handlers, the impact of the proposed order would be different. Some such businesses, including vendors of fruit to the public or those who sell products containing kiwifruit to the public, would experience increased costs due to the marketing order because lower quality fruit that costs less would no longer be available to them. The magnitude of these added costs are difficult to quantify and are speculative. Moreover, they are counterbalanced by the advantages to small businesses that are kiwifruit growers who will benefit from the order and by the likelihood that small businesses that are not kiwifruit growers will benefit from the order due to increased public acceptance of and demand for kiwifruit and products containing kiwifruit encouraged by the order.

The act does not regulate the growing of commodities, but several witnesses testified that some growers—in their capacity as growers—might incur additional costs resulting from marketing order regulations. Under such regulations, those growers might choose to systematically prune their vines during the growing seasons, and possibly engage in other cultural practices, such as thinning, in order to produce fruit which is larger, better quality and more uniformly shaped. Application of such practices could result in added costs. The testimony is, however, that most growers presently engage in some or all of those activities as a means of increasing the percentage of fruit which will be packed and shipped by handlers. This is necessary because of the very sizeable differential in prices received by growers for fruit which meets the currently voluntary U.S. Standards for Kiwifruit as compared with fruit which does not meet those or similar standards. The record indicates that a large percentage of the California Kiwifruit crop is currently packed and shipped according to such standards. Between 70 and 90 percent of the crop is presently covered by the voluntary standards. This program has been salutary but not as effective as possible or desirable. All fruit shipped or sold under the voluntary standards may not actually conform to those standards, thus undermined buyer and consumer confidence in the product. A mandatory program of the type envisioned by this order would insure that all kiwifruit sold is of higher quality and actually conforms to the standards. Also, the record evidence indicates that if such standards were required under an order they would promote sales of additional quantities of kiwifruit. This is because inferior quality fruit would no longer be sold. Such fruit discourages consumers from trying or purchasing the fruit and thus lessens demand for and price for all kiwifruit. In addition, demand for higher quality kiwifruit would be increased by the elimination from the market of alternative, lower quality product. Thus, it can be concluded that to the extent growers and handlers might incur some additional costs under the proposed program, they would also benefit from the more orderly marketing conditions likely to result. Although consumers would no longer have available to them cheaper, low quality fruit, on balance consumers would benefit from the more uniform and dependable quality of the fruit available for purchase.

There may be some growers who choose to minimize the use of pruning, thinning, and other cultural practices which result in a greater portion of substandard fruit. However, this fact does not offset the preponderance of evidence which supports the proposed program.

Introduction

During the hearing on the proposal which lasted 9 days, a number of witnesses ranging from economists to a consumer representative, testified on the behalf of proponents in favor of a grade and quality marketing order program for kiwifruit. Proponents emphasized that the young kiwifruit industry needs a marketing order with mandatory quality standards if it is to survive and grow and offered substantial evidence in support of their position.

In summary, the proponents testified that at the time of the hearing there was fruit of poor quality, which was immature and small or misshapen in the marketplace, and such fruit has had the effect of undermining trade confidence with respect to both the level of purchases and the corresponding prices buyers are willing to pay. Off quality fruit brings down the price of all fruit and reduces demand. This is the case because consumers who have not purchased the fruit before are "turned off" by unattractive fruit and thus are less likely to try the new product. Repeat purchases may also be discouraged by fruit that is unappealing in appearance or taste. In addition, off-quality fruit is a cheaper alternative which forces vendors to lower the price of the higher quality fruit because of the presence of the competitive fruit which some consumers may purchase. The proponents further testified that with a marketing order, the California kiwi industry would be able to provide consumers with consistently good quality kiwifruit which in turn would stimulate repeat purchases. Also, standardized good quality would better

lend itself to ongoing market promotion efforts, and thus, give the industry the opportunity to market inceased supplies of kiwifruit.

The record also contains a great deal of material regarding the arguments and position of non-proponents in opposition to the proposed regulatory scheme contemplated by the order. Non-proponents testified that the proponents' evidence was not clear and convincing, and that currently there is a market for all California kiwifruit. Also, U.S. Standards for Grades of Kiwifruit are currently in effect and may be used as needed on a voluntary basis. Thus, an orderly market for California kiwifruit currently exists and there is no need for a marketing order. In addition, a marketing order would, in their view, unnecessarily remove edible fruit from the market and adversely affect consumers. It would also impact on growers, particularly small growers, in that they could not sell all the fruit they produce. The non-proponents testified that an order would regulate growers in that they would be forced to engage in costly cultural practices intended to increase the amount of fruit which would meet marketing order requirements. Also, the order would discriminate against growers in parts of California with lower yields or higher costs. Finally, they testified that the order would be contrary to the act, Secretary's Memorandum 1512–1, and the Regulatory Flexibility Act, and cannot be recommended in the absence of proper calculation of the parity price.

These and other issues raised by both proponents and non-proponents of the recommended order were considered in formulating this recommendation. However, they were not considered to be of weight sufficient to counterbalance the benefits of an order, as set forth in this proposed decision and in the record. It should be understood though, that the proposed order may not be used to control the supply of kiwifruit sold. The proposed order may have some effect upon supply, but none of its provisions are designed to effect supply and are not to be used to accomplish that end.

Material Issues

The material issues presented on the record of the hearing are as follows:

(1) Whether the marketing of kiwifruit grown in California is in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(2) Whether the production and marketing conditions affecting kiwifruit are such that they justify a need for a marketing order under the Agricultural Marketing Agreement Act of 1937, as amended;

(3) What definition of the commodity and the determination of the production area to be covered by the proposed order should be;

(4) What the identity of the persons and the marketing transaction to be regulated should be; and

(5) What specific terms and provisions of the proposed order should be including, but not limited to:

(a) The definitions of terms used herein which are necessary and incidential to attain the declared policy and objectives of the act;

(b) The establishment, maintenance, composition, procedures, powers, duties, and operation of the Kiwifruit Administrative Committee (hereinafter referred to as the "committee") which shall be the local administrative agency for assisting the Secretary in the administration of the proposed order.

(c) The authority to incur expenses and the procedure to levy assessments on handlers to obtain revenue for paying such expenses;

(d) The method of regulating the handling of kiwifruit grown in the production area;

(e) The authority for inspection and certification of shipments of regulated kiwifruit;

(f) The establishment of requirements for handler reporting and recordkeeping;

(g) The requirement of compliance with all provisions of the proposed order and with regulations issued under it; and

(h) Additional terms and conditions as set forth in § .62 through § .71 of the Notice of Hearing published in the **Federal Register** of November 30, 1983 (48 FR 54032) which are common to all marketing agreements and marketing orders, and certain other terms as set forth in § .71 through §.73 which are common to marketing agreements only.

Findings and Conclusions

The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Commerce

Except for a very limited production elsewhere, the commercial crop of kiwifruit in the United States is produced within the State of California. Almost all such production is shipped in fresh market channels. An estimated 14,000 tons was produced in California in 1983. This amount is slightly below the 15,500 tons in 1982, but substantially above the 5,300 tons produced in 1980, the first year the U.S. Department of Agriculture (U.S.D.A.) issued kiwifruit crop reports.

In 1982, the latest year for which some information is available, about 2.0 to 2.5 million flats (seven pounds of fruit each) including imports, were marketed in the U.S. The Federal-State Market News, on the basis of a handler survey, reported total shipments of California kiwifruit of 2,603,000 flats. This amount includes 1,110,000 flats shipped to domestic markets and 1,493,000 flats exported. The Market News data, however, exclude unreported additional quantities of kiwifruit understood to have been sold in domestic outlets, primarily in California. Based on the record evidence, it can be assumed that a significant portion of such unreported fruit was probably of lower grades and smaller sizes.

The record indicates that California kiwifruit is shipped to the major markets in U.S. primarily during the period November through April. Some of the California production is sold by packers directly to supermarket chains and independent retailers. However, the marketing of California kiwifruit, which is a relatively new commodity, relies heavily on brokers, wholesalers and firms specializing in a variety of fruits and vegetables. Many of these sales take place at the Los Angeles terminal market. Buyers nationwide are able to participate in one-stop shopping for as many as 25 to 60 produce items on one truck when buying in this manner, and in this way large quantities of California kiwifruit are shipped outside the state from Los Angeles. On the other hand, some California kiwifruit shipped to Los Angeles is in turn shipped to other markets within California. Thus, California packers who ship fruit often have no knowledge of the final destination of the fruit.

The prices received at Los Angeles (and other) terminal markets affect prices and sales throughout the U.S. This is particularly noticeable when one seller offers fruit at less than the prevailing prices. When this happens, other sellers often find it necessary to lower their own prices or lose sales. Proponent witnesses indicated the price changes were quickly reported and often immediately affected the very competitive wholesale market for kiwifruit.

The record evidence shows that any handling of California kiwifruit in fresh market channels exerts an influence on all other handling of such kiwifruit in fresh form. Sellers of kiwifruit, as of other commodities, endeavor to conduct their businesses so as to secure maximum returns for the kiwifruit they have for sale. Shippers and other sellers continually survey all accessible markets so that they may take advantage of the best possible

opportunity to market the fruit, and as mentioned above, to price their fruit competitively. Market within the Senate of California provide opportunites to dispose of kiwifruit in the same way as in other U.S. and export markets. The sale of a quantity of kiwifruit in California exerts an influence on all other sales of kiwifruit in other states. To regulate only shipments of kiwifruit to markets outside California would cause lower quality fruit to be marketed within the State. This would likely depress California prices and possibly burden California markets with low quality fruit which would compete with and lower the price of higher quality fruit. This would have the resultant effect of depressing the prices for kiwifruit sold in interstate markets because it would be difficult to maintain higher prices for the rest of the market when one significant segment of the market has lower prices.

Therefore, it is hereby found that all handling of kiwifruit grown in the production area is either in the current of interstate or foreign commerce or directly burdens obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of all kiwifruit grown in the production area should be subject to the proposed order.

(2) Need for a Marketing Order

Kiwifruit was first planted on a commercial basis in California in 1967. Currently, there are between 6,000 to 8,500 acres planted and at least 630 kiwifruit growers. In 1982, at least 2,579 acres were non-bearing. A proponent witness testified that the yields of some acreage which is classified as "bearing" will in fact continue to increase in the near future, since kiwifruit vines reach full production in about seven years. On average the vines live 25 to 30 years. Industry witnesses testified that commercial production in California has increased from packouts of 300,000 flats in 1977 to the current levels which exceed 3,000,000 flats annually. This level can be expected to double in the next several years when the current acreage becomes full bearing. Although the industry has been able to increase the domestic and international market for California kiwifruit, as demonstrated by these fugures, the considerable likely increases in production in the near future may prove difficult to market and threaten to create disorderly marketing conditions. Such conditions would lower prices and grower returns and result in market fluctuations that could affect the availability to the consumer of the fruit. Moreover, although most kiwifruit growers have not yet experienced significant difficulty in marketing their product and the industry has not yet experienced chronic surplus problems and has thus far been generally profitable, this may well change in the future because of likely increases in production that will be greater than market requirements or not be marketable at profitable prices.

With respect to foreign production, New Zealand currently leads the world in commercial acreage with approximately 30,000 acres followed by Italy (6,400 acres) and France (2,500 acres). Kiwi production also occurs in Greece, Japan, Australia and Chile. New Zealand pioneered commercial kiwifruit production and marketing, and other countries have joined in the significant commercialization of kiwifruit only in recent years. In that regard, New Zealand has supplied virtually all of the kiwifruit which is marketed in the U.S. during the period May through October. A representative of the New Zealand consulate in San Francisco testified that the New Zealand Kiwifruit Authority, a statutory body which represents the interests of New Zealand growers, sets quality standards, and conducts an advertising and promotion program for kiwifruit exported to the U.S. He said that the Authority believes that its standards, and any mandatory standards under a marketing order for U.S. kiwifruit, would help establish and expand the still largely untapped market for a relatively unknown fruit. The witness estimated annual U.S. per capita consumption for kiwifruit to be about 40 grams. This amount is far less than the annual per capita consumption for other fruits such as strawberries (1,300 grams) and avocados (600 grams). The witness predicted that New Zealand would continue to promote its kiwifruit in the U.S. and regulate quality and other factors. It was stated by various witnesses at the hearing that kiwifruit from New Zealand is consistently larger, more uniformly shaped and better quality than a significant portion of California kiwifruit.

The record indicates that both the expected increase in production in the U.S. and other countries, and the continued presence in U.S. markets of a large quantity of New Zealand kiwifruit which is consistently are of a high quality and large size, influence the marketing of California kiwifruit. California growers received an average $920 per ton for their 1982 crop of kiwifruit. This is less than half of the average returns in 1981 ($2,000) and 1980 ($2,400). The proponents of the proposed order also testified that their gross returns per acre had dropped from $5,088 in 1980 to $4,057 in 1982. Although yields are expected to continue to increase in the next several years, the testimony is that it is unlikely under present marketing conditions that such receipts will increase marketedly if at all over the 1981 and 1982 levels. On the other hand, kiwifruit production requires sizeable cash outlays, and some kiwifruit may have been sold below even the lowest stated production and harvesting costs.

Witnesses testified that shipments of low quality California kiwifruit have reduced the marketability for all California kiwifruit and have caused the recent decline in prices. Some kiwifruit on the market has been observed to be immature or to have serious quality defects which make it unfit for human consumption. Other fruit is misshapen or of small sizes. These characteristics are considered undesirable by many U.S. consumers, and are virtually absent from the competing New Zealand kiwifruit.

Several witnesses noted that in a given year, the last shipments in October of New Zealand kiwifruit tend to command higher prices for a given size and grade than for similar early California kiwifruit for sale at the same time. This is because most buyers believe that New Zealand fruit is of consistently higher quality. For example in November 1982, New Zealand kiwifruit was sold in the U.S. for prices which were $3.00 or more or flat f.o.b. above those for California kiwifruit (a difference of approximately 30%). Also, during the same period large quantities of low grade California kiwifruit appeared on the Los Angeles terminal market. Poor quality fruit usually will not hold well in storage, and is shipped quickly to that market. The presence in the market of such fruit cause prices to decline. The record indicates that lower prices for such fruit also affect the prices of higher quality fruit which must compete with it. This is the case because some consumers will be discouraged from purchasing any kiwifruit because of the unappealing appearance or taste of the lower quality fruit, thus lowering overall demand and price for the product. In addition, those consumers who desire to buy the lower quality fruit because it costs less may not purchase the higher quality fruit, thus lowering demand for and price of the latter.

To counteract the depressed prices early in the season, some packers store their fruit in cold storage and ration their shipments to domestic markets through a period extending as far as

April of the following year. Also, shippers may ship much of the highest quality and largest sized kiwifruit to foreign markets where they can command higher prices.

Given the expected increased competition for foreign markets, packers and others who sell California kiwifruit believe they need to ship greater quantities to U.S. markets. To this end the California Kiwi Commission was established in 1980 to promote California kiwifruit. However, those promotion efforts were probably made less effective by sales of low quality and unattractive fruit because such sales discouraged repeat purchases. In September 1982, at the request of the industry the USDA issued the U.S. Standards for Grades of Kiwifruit. Those standards were first used on a voluntary basis to market the 1982 crop. However, the record indicates there has been fruit marketed which in fact does not meet those standards. As discussed above, this is detrimental to the kiwifruit industry because it lowers the prices received for all kiwifruit. Also, some fruit inspected and certified at time of packing as U.S. No. 1 or No. 2 may not be shipped for several months and may deteriorate in quality during storage or subsequent handling. Thus, buyers receive fruit which does not meet the specified standards, and grower's returns may not even cover harvesting and packing costs, especially when the fruit is shipped on a consignment basis.

Taken together, these practices seem to undermine trade confidence. Several witnesses testified that often buyers are unwilling to pay prices appropriate for good quality kiwifruit and to increase purchases either because they would prefer the cheaper, lower quality fruit or because they are "turned off" by the lower quality, unattractive fruit. It was testified that consumers who purchase kiwifruit in supermarkets and chain stores, and the food service trade (which sells food for consumption outside consumers' homes) generally demand a reliable supply of a uniform, high quality product. In response to this, the trade is demanding a continuity of supply of good quality kiwifruit with standarized characteristics as a condition of future sales. For the retail trade, such good quality, continuity, and standardization are also cost effective, since flawed fruit which does not sell must usually be discarded. The resulting losses are incorporated into a store's gross margin and translated as higher prices to the consumer. Thus, it is of primary importance for the retail trade to be quality conscious in its fresh fruit purchases.

Therefore, in order to maintain and expand the market for kiwifruit, it is necessary to authorize regulations with respect to minimum grade, size and quality which will facilitate orderly marketing conditions for California kiwifruit. The testimony is that while there may be a market for some fruit of lower quality, the presence of that fruit in the market place, except in certain outlets such as roadside stands and certified farmers markets as later discussed, contributes to disorderly marketing conditions because it lowers the price received for all kiwifruit and discourages growth in consumer acceptance of the product. Moreover, prices received for that fruit are substantially less than those received for higher quality fruit. Thus, it is unlikely that most growers could sustain themselves if a large portion of their returns were derived from the sale of low quality fruit. In addition, the testimony was that growers can improve the quality of their crop and increase the packout percentage through appropriate cultural practices, including pruning and thinning. The benefits to growers in the form of higher returns and the development of repeat sales from the marketing of fruit of good grade and size rather than off-grade and small sized fruit, is expected to offset the increased cost of the good cultural practices. Also, these growers would be better able to supply additional quantities of good quality and large sized fruit for consumption. For this reason, authorizing minimum grade, size, and quality regulations would tend to effectuate the declared policy of the act and would be in the interest of producers and consumers.

The containers used in the shipment of kiwifruit include such receptacles as boxes, bags, trays,and master containers such as three-layer lugs, but new or modified containers continue to be developed and used. Evidence was offered that some shippers may use unsatisfactory techniques that bruise or injure kiwifruit in filling or transit. Also, they may mismark or partially fill containers or pack fruit not representative of the size or quality marked on the containers. Such practices are not only misleading to the buyers, but also tend to destroy trade confidence, reduce demand, and contribute to disorderly marketing conditions. Another problem results from shippers making small reductions in the dimensions of the tray, box, or other packing container. The resulting container might closely resemble the standard package, but the individual fruit could be one or more sizes smaller than fruit normally contained in a standard container. This practice also destroys trade confidence and leads to confusion in the marketplace. Specifications of the size, capacity, dimensions, markings, and pack of containers used in the marketing of California kiwifruit would provide a means of maintaining trade confidence, establishing orderly marketing, and improving returns to growers.

Exercise of the authority to regulate the quality of shipments and to establish uniform containers for such shipments could assure the availability of good quality fruit and encourage additional production of kiwifruit. Thus, although some consumers would be deprived of the opportunity to purchase cheaper, lower quality kiwifruit, this factor is outweighed by the benefit to consumers of having additional kiwifruit of uniform quality in the marketplace.

In view of the foregoing, it is concluded on balance, that the proposed order would tend to establish orderly marketing conditions for kiwifruit which, consistent with the declared policy of the act, would be in the public interest, by increasing returns to the growers and insuring that only higher quality kiwifruit reaches the market.

(3) Definition of Commodity and Determination of Production Area

The term "Kiwifruit" should be defined in the order to indentify the commodity to be regulated, and as used in the proposed order, refers to all varieties of the fruit classified botanically as *Actinidia chinensis*, Planch. The kiwifruit is a small fruit, about the size of a lemon. It is native to China, but New Zealand is the largest commercial producer. The plants consist of either male or female vines. Generally, growers plant eight vines which produce female flowers capable of producing fruit to every one male plant that provides the pollen for cross-pollination.

The term "variety" should be defined in the order to mean and include all classifications or subdivisions of kiwifruit. The definition is necessary to provide authority for different regulations for different varieties of kiwifruit in the event such different regulations are deemed appropriate. The record indicated that the need for different regulations for different varieties of fruit did not appear to be required at the present time but the introduction of new varieties may, in the future, pose such a need. The Hayward variety is the dominant commercial variety at the present and accounts for almost all of the vines in California.

Other varieties include Abbott, Allison, and Monty, which are similar to the Hayward in shape, and Bruno which is long and finger-like.

The term "production area" should be defined in the order to mean the State of California. The record evidence indicates that kiwifruit is now produced in over 30 California counties, and that is could be grown throughout almost all of the State. Although the soil and environmental conditions, and thus yields, vary among counties, the kiwifruit grown in a given county cannot be readily distinguished from that grown in another part of the State. Moreover, for purposes of marketing, kiwifruit from all areas of the State are commingled and buyers do not customarily buy kiwifruit from one part of the State to the exclusion of kiwifruit grown in another part. Thus, the marketing of fruit from one part of California affects the marketing of fruit grown in another. Therefore, it is concluded that the State of California is the smallest regional production area that is practicable consistent with carrying out the declared policy of the act. It should be noted that although yields vary within the production area, the percentage of fruit which meets various grade and size standards does not differ significantly by location. The definition of "production area", as recommended herein, differs from that contained in the notice of hearing which also included that State of Oregon. Inclusion of Oregon in the production area was not supported by the proponents at the hearing. The record shows that while there is some kiwifruit production in Oregon (and possibly South Carolina), production in Oregon is minor and has little or no impact on the handling and marketing of fresh kiwifruit. There is no evidence to justify including Oregon in the regulated production area, and little possibility that such production would prevent a marketing order for kiwifruit grown in California from effectuating the declared policy of the act. The proponents indicated that at some future time, consideration of enlarging the area might be appropriate if production in another state became a significant factor in the marketplace. Any such change, however, would have to be accomplished through the formal rulemaking process, and would necessitate a referendum of growers in the manner prescribed in the act.

(4) Persons to be Regulated

The term "handler" is synonymous with "shipper" and should be defined to identify the persons who handle kiwifruit and thus would be subject to the order, including payment of assessments. Such term should apply to any person, except a common or contract carrier transporting kiwifruit owned by another person, who performs any of the activities within the scope of the term "handle", as hereinafter defined, and places kiwifruit in the channels of commerce.

The term "handle" should be defined to identify those activities which should be regulated in order to effectuate the declared policy of the act. Except as exempted, such activities include all phases of selling and transporting which place kiwifruit in the channels of commerce within the production area or from the production area to any point outside the production area. The handling of kiwifruit can begin as early as the time of picking from the vines and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of one of more activity such as selling, consigning, delivering, or transporting by any person, either directly or through others, should constitute handling.

There are some sales of kiwifruit on the vine. However, it is usual after picking for the fruit to be transported to a packinghouse prior to sorting, grading and packing. The grower, in such instances, relies on the person (who may or not be a grower) who prepares the kiwifruit for market to see that the fruit meets all applicable requirements for marketing. Such activities are, however, preliminary to placing the kiwifruit in marketing channels. The testimony was that it would not be practical, and would unnecessarily complicate the administration of the order, to require persons engaged in the preparation of kiwifruit for market to meet program requirements unless the fruit is placed in the current of commerce by such persons. The record evidence is that the transporting of field run kiwifruit from a vineyard to a packinghouse, to be prepared for sale, and the actual sorting, grading, packing or other preparation of kiwifruit for sale, do not constitute handling activities and thus, should be excluded from the definition of "handle". Similarly, neither the transporting of kiwifruit from the packing house to a cold storage facility nor the act of storage within the production area constitute a handling activity. However, the record suggested that the committee, with the approval of the Secretary, may require notification of such transporting in advance by the packing house operator unless the kiwifruit has been inspected and certified as conforming with the applicable regulations.

Kiwifruit may be sold after packing at the vineyard where grown, or at a packinghouse to others who transport the fruit from such points to markets within or without the production area. The sale or delivery of kiwifruit to such persons, and the subsequent movement to market, are handling activities.

The record evidence indicates that the primary responsibility for determining whether a particular lot of kiwifruit conforms to the applicable regulations should rest with the first person who ships or otherwise places such lot, or causes it to be placed, in the current of commerce. In most cases, that person would be the packer who was responsible for grading and preparing the kiwifruit for market. However, all subsequent handlers within the production area also should be responsible for meeting any regulation not previously satisfied when such persons handle the kiwifruit. This can be readily ascertained by determining whether kiwifruit have been inspected and certified as meeting such regulations or by having them inspected as discussed in material issue (5)(e). Several witnesses thought such requirements were vague and excessive. However, full compliance with marketing order regulations is necessary to effectuate the policy of the act. Each and every person involved in the handling activity should be able to assure that the particular requirements have been met. This has not proven to be an unreasonable burden on handlers of the other commodities regulated under existing marketing orders.

In any event, all order requirements must be met by a handler prior to shipment of kiwifruit from the production area to a point outside the production area. The testimony was that inspection or compliance activities outside the production area would be difficult to carry out and administer. Kiwifruit may be stored by a purchaser outside the production area for extended periods of time and might sustain some deterioration during such storage.

Thus, the marketing of low quality fruit could result even if the fruit met the order requirements when it was shipped outside the production area. However, this is an unlikely possibility because of the adverse economic incentive of such action to the handler. The inspection and certification requirement provides the assurance that fruit shipped out of the production area would meet minimum standards. Good commercial handling of the fruit thereafter would assure delivery of quality fruit to consumers.

(5) Specific Terms and Provisions of Proposed Order

(a) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used. Many of the features of the order discussed below are ministerial, procedural or administrative in nature. Thus, they are based at least in part on the experience of the Department with respect to the most efficient and effective way in which such ministerial, procedural or administrative functions can best be performed in order to accomplish the objectives of the act and of the proposed order.

"Secretary" should be defined to mean the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture who may now, or who may hereafter, be authorized to act for the Secretary. The inclusion of other employees and officers under the term is in recognition of the fact that it is physically impossible for the Secretary to attend personally to all matters over which the Secretary is given responsibility.

"Act" should be defined to provide the correct statutory citation for the Agricultural Marketing Agreement Act of 1937, as amended. This is the statute under which the proposed regulatory program is to be operative and avoids the need for referring to the citation throughout the order.

The definition of "person" should follow the definition of that term as set forth in the act. This will insure that the term will have the same meaning in the order as it has in the act.

The term "grower" should be synonymous with producer and should be defined in order to identify those who are eligible to vote for, and serve as, grower members or alternates on the committee and to vote in any referendum. The term should mean any person who produces kiwifruit for the fresh market within the production area and has a proprietary (financial) interest in the crop. Each business unit (such as a corporation, partnership, or community property arrangement) should be considered a single grower and should have a single vote in nomination proceedings and referenda. However, for purposes of serving on the committee, the notice of hearing contained a proposal which specified that the term "grower" should include only those who have a proprietary interest in the production of at least one bearing acre or 145 bearing kiwifruit vines. However, this is not recommended. Growers should have sufficient interest in the order to nominate appropriate members to the committee rather than rely on order provisions to exclude persons from serving. Furthermore, a proponent witness stated that he knew of few plantings of kiwifruit of less than one acre, and it was unlikely that there would be many in the future. Hence, there appears no need for such a qualification.

The term "fiscal period" should be synonymous with "fiscal year" and should be defined to mean the annual period for which financial records of the Kiwifruit Administrative Committee are maintained. The period should also be used in fixing the terms of office of committee members and alternates. The committee should establish this period as to allow sufficient time prior to the time kiwifruit is shipped in order to give the committee an opportunity to organize and develop information necessary for its function during the ensuing year. However, it should minimize incurring expenses during a fiscal period prior to the time assessment income is available to defray such expenses. The testimony is that the fiscal period should be the 12 month period beginning August 1 of one year and ending the last day of July of the following year. However, if necessary to improve the committee's management or for other reasons, based on experience once the order is established, it may be desirable to establish a fiscal period other than one ending on the last day of July. Thus, authority should be included in the order to provide for such establishment of a different fiscal year if recommended by the committee and approved by the Secretary. In any event, the beginning date of any new fiscal period should be sufficiently in advance of the harvesting seasons to permit the committee to formulate its marketing policy and perform other administrative functions. Also, it should be recognized that if at some future date there is a change in the fiscal year, such change could result in a transition year being more or less than 12 months. If the order is issued after August 1, 1984, but is made effective in time to regulate the 1984 crop, the initial fiscal year should end on July 31, 1985, so that the subsequent fiscal period would begin August 1, 1985.

The term "committee" should be defined to identify the administrative agency—the Kiwifruit Administrative Committee—established under the provisions of the order. Such a committee is authorized by the act, and this definition is merely to avoid the necessity of repeating the full name each time it is used.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i.e., the geographical divisions of the production area as established and as set forth in the order) are the same as those proposed in the notice of hearing except for District 9, the State of Oregon, which as previously discussed, should not be included in the production area. The eight California districts are identical to those adopted by the California Kiwifruit Commission. The individual districts were devised on the basis of 1981–82 season production data. Although there is variation in production among the districts, the testimony was that the districts which currently have the lower productions levels have the potential of producing more kiwifruit than the districts currently with greater production. However, the committee with approval of the Secretary may restructure the districts on the basis of current production. In addition, the order should also provide additional committee representation for the districts with the greatest production as discussed in material issue 5(b).

The term "pack" should be defined to mean the specific arrangement, size, weight, count, or grade of kiwifruit in a particular type and size of container, or combination of the above; for example, US No. 1 grade, a count of 36 fruit and packed in a flat or single tray-type container. Such a container is fitted with a plastic tray having individual compartments for each fruit. Other examples of packs currently in use are 20 one pound cello bags in a master container and a 20 pound container filled with loose fruit. Regulation of pack is discussed in material issue (5)(e).

"Container" should be defined to mean a box, bag, crate, lug, basket, carton, package or any other receptacle used in the packaging or handling of kiwifruit. The term would also include other unnamed receptacles such as trays, and master containers such as three-layer lugs. A definition of this term is needed to serve as a basis for differentiation among the various shipping receptacles in which kiwifruit are shipped to the fresh market which would be used in conjunction with the proposed authority to regulate containers as discussed in material issue (5)(e).

(b) Pursuant to the act, it is desirable to establish an agency to administer the order locally as an aid to the Secretary in carrying out the declared policy of the act. The term "Kiwifruit Administrative

Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 12 members. A committee of 12 members, of which one would be a public member, and the other growers, would be sufficiently large that adequate and equitable representations could be provided for all kiwifruit producing areas of California. At the same time, the expense involved in connection with meetings of a committee of this size would be reasonable. It was recognized that only handlers may be regulated under the provisions of the Act. However, kiwifruit are handled for the account of the grower, and in effect, the grower is the one most concerned with regulations. Thus, the record indicates that the growers should have the responsibility of deciding both the regulations to be recommended to the Secretary and other administrative activities to undertaken. One grower member and one alternate should represent each of the eight districts in California.

In addition, the record evidence is that three additional committee members and their alternates be selected from the three highest-production districts with a limit of two committee members per district. Such additional members would provide sufficient representation for the major producing areas and equal representation throughout the State of California to the extent possible. Based upon the 1981–82 season production, the total volume of kiwifruit produced in California was 10,714,397 pounds. The three districts which produced the highest volume, and would be entitled to one additional member, are District 2, which produced 1,605,111 pounds of kiwifruit, District 1, which produced 1,598,300 pounds; and District 8, which produced 1,394,570 pounds. However, the testimony is that the 1982–83 production, if known at the time when the initial committee nominations are made, should be used for the purpose of allocating the three additional member positions. The testimony indicated that major growing areas will become more distinctive with the development of new vineyards being planted in the more desirable areas. Ultimately the difference in district production will likely become much greater. Also, industry statistics are expected to become more accurate when various county and state agencies include kiwifruit production in their records and annual reports.

The record evidence is that the members and alternate members should be growers, and a particular grower should be eligible for only one position on the committee so that it would not be possible for more than one representative of one growing operation or entity to serve on the committee. It was recognized that some growers are shippers as well, but they should not be excluded from serving on the committee.

Alternate members should be authorized to act in the place and stead of the member for whom that individual is an alternate, or, in the case of districts with two grower positions, the other member from the same district. For example, for a given district with two members and an alternate for each position, if neither the member nor the alternate for that member is present at a committee meeting, but both the other member and his or her alternate from the same district attend the meeting, then the alternate attending the meeting shall serve for the other member. However, no alternate shall serve for a member from another district, and only the alternate for the public member may serve in the absence of the public member.

The term of office of committee members and alternates should be two years beginning on August 1 of the year of their selection and ending on July 31 of the second succeeding year, or at the same time their successors have been selected. However, the record evidence is that the terms of those of the initial members of the committee should be different than contained in the notice of hearing. One-half shall serve for one year, and one-half shall serve for two years, with the determination of the terms of each member to be made by lot. Except as otherwise provided in this Order, however, the terms shall begin August 1 and end on the last day of July. Thus, the terms of office would be staggered. Although the testimony was that the determination of which six members and their respective alternates would serve one year terms would likely be made by lot at the first meeting of the committee, the respective terms of offfice need to be determined before the persons are selected by the Secretary. Thus, nomination meetings may be a more appropriate time for such determination. Also, it was noted that all member positions, including that of the public member, should be subject to such a determination. There was some limited discussion in the record of the number of consecutive terms that members and alternates should be permitted to serve. In order to promote wider industry participation and involvement in the administration of the proposed marketing order, it is advisable to limit the number of consecutive terms a member or alternate may serve. Six consecutive years, or three two-year terms is the maximum that an individual should serve. This period allows sufficient time for a member to become familiar with the operations, role and functions of the committee in order to allow administrative continuity. At the same time, a maximum of six years of consecutive service will readily promote member turnover and achieve greater diversity and industry participation in committee activity. Thus it is concluded that members and alternates may serve up to three consecutive two year terms on the committee. Following three consecutive terms, however, a person should not be eligible to serve either as a member or alternate member for a period of two years.

In order to provide the kiwifruit growers with an opportunity to express their wishes, the record evidence is that initial grower members and alternates should be nominated with the use of mail balloting or district meetings. The nominations should be conducted by the proponents immediately after issuance of a referendum order a kiwifruit marketing order. For the purposes of such nominations the Secretary should obtain names of growers from handlers. In this way, a complete list of growers may be compiled so that all may be notified of the nomination proceedings. Also, this list can be used by the Secretary to conduct any referendum on a recommended marketing order. If nominations are not completed as prescribed or by July 15, the Secretary may select members on the basis of representation provided in §—.20 of the recommended order. Successors to the initial members and alternate members of the committee should also be nominated through mail ballot or at meetings of growers in each of the districts, at the discretion of the committee. Mail balloting and grower meetings should be supervised by the Kiwifruit Administrative Committee, or at its direction. The testimony was that the committee, because of its knowledge of the industry, will be in the best position to select the most advantageous times to conduct such nominations. However, the nominations should be completed by June 15 or each year so that the nominations may be submitted to the Secretary before the expiration of the term of office of the existing committee members. The committee should also be authorized to prescribe procedures for conducting nominations in order to ensure fairness to all participating growers.

Each grower, or the grower's duly authorized employee, should be limited to casting one vote for each position to be filled on the committee from the district in which he or she produces kiwifruit. The grower or employee of such grower must be present in order to cast a vote, if the vote is taken at a district meeting. There can be no proxy voting. Any growers who have kiwifruit vineyards in two or more districts must choose the district in which they wish to cast their vote and so notify the committee. They should not be permitted to vote in more than one district annually. However, a multi-district grower should be permitted to change voting districts from year to year. To do so, the grower should notify the district committee member of the district where the grower wishes to cast a vote on or before July 15, of each year. Also, it is recommended that proposed order provide that the Secretary select and appoint the public member and alternate from qualified persons. Historically, for orders currently in effect, the Secretary has selected the non-industry member from those persons recommended to him by the administrative committee. However, the Secretary may appoint a public member, and respective alternate from any of a number of sources. The public and industry at large, as well as the committee, are encouraged to submit nominees for consideration and action by the Secretary. The public member is to be a full participant in the affairs of the committee, and is expected to vote at all committee meetings.

The order should provide that the members of the committee shall be selected by the Secretary from persons nominated or from among other qualified persons. Also, it should provide that in the event nominations are not made within the time and in the manner hereinafter specified in the recommended order, the Secretary may select members and alternates without regard to nominations. Such selection should be from qualified persons as provided in the order. Each person to be selected by the Secretary as a member or as an alternate member of the committee shall, prior to such selection, qualify by advising the Secretary that he or she agrees to serve in the position for which nominated.

The order should provide a method for promptly filling any vacancies on the committee for the unexpired term. There may be vacancies caused by the death, removal, resignation, or disqualification of a member or alternate. Nominations and selections to fill vacancies should be made in the same manner as provided for nominating and selecting all other members and alternates. Any nomination meetings for the purpose of filling vacancies should be held within a reasonable amount of time after the vacancy occurs rather than requiring they be held within a specific number of days. For example, a vacancy may occur on May 1 but a regular nomination meeting has been scheduled for such district on July 15. If no meeting was scheduled by the committee during this period, which is an inactive time of year, the committee may wish to wait to secure a nomination to fill the vacancy at the regular scheduled meeting. In any event, the alternate member would serve in place of the member as provided in §—.27 of the order until the vacancy is filled.

The order should provide that an alternate member shall be selected for each member of the committee. Each alternate selected should have the same qualifications for membership as the member. There could be occasions when a committee member is unable to attend a meeting or meetings. Provisions for alternates would help permit the committee to conduct business when members are absent. Moreover, in the event of death, removal, resignation, or disqualification of a member, the alternate should act until a new member is nominated and selected, or in the case of the public member and alternate, is selected by the Secretary. The record evidence is that §—.27 of the order should differ slightly from the language proposed in the notice of hearing to provide that, in the event a grower member and that member's alternate are both absent from a committee meeting, only an alternate member from the same district may act in the member's place. This change would provide flexibility with respect to representation from a given district. However, an alternate should not serve in the absence of a member from another district, and only the public member's alternate should serve in the absence of the public member.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the recommended order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. They pertain both to specific activities authorized under the order, such as investigating marketing conditions, and to the general operation of the order. Also, the committee investigates compliance with the order, and it acts as an intermediary between the Secretary and any grower or handler. The committee with the approval of the Secretary may redefine the districts into which the production area is divided and, it may reapportion the representation of any district on the committee. Any such changes shall reflect, insofar as practicable, shifts in kiwifruit production between districts and within the production area. The committee should cause its books to be audited by a public accountant of its choosing. The word "competent" describing the account as contained in the notice of hearing, should be deleted as it is unnecessary. However, the record indicates that the committee would most likely engage a certified public accountant to perform the audits. Finally, it should be recognized that these specified duties are not necessarily all inclusive, and it may develop that there are other appropriate duties the committee may need to perform. For example, under that authority the committee could undertake a study to find an improved method of measuring maturity, if that were necessary to carry out its responsibilities under the order. The order should provide that eight members of the committee or alternates acting for members, are necessary to constitute a quorum, and any action by the committee shall require the concurring vote of a majority of the members present: However, given their importance to the industry any committee actions relative to expenses and assessments or recommendations to the Secretary concerning marketing policy and order regulations (§§—.50 through—.55 of the order) should require at least eight concurring votes. At any assembled meeting, all votes must be case in person. However, in order to take timely actions at a minimum of expense, the committee may vote by telephone, telegraph, or other means of communications. Any votes so cast shall be confirmed promptly in writing.

The order should provide that members of the committee, and alternates when acting as members, shall be reimbursed for out-of-pocket expenses necessarily incurred in performing committee business, but that, except for the public member and alternate, members and alternates will serve without compensation. It is fair and appropriate to authorize such reimbursement rather than to expect members to personally cover such expenses incurred on behalf of the

industry. Primarily, most expenses would be incurred in attending committee meetings, but there may be instances when a member or alternate would be assigned specific duties by the committee, and incur expenses in performance of such duties. In any such case, the member or alternate should be reimbursed for any reasonable expenses involved in performing such duties. However, there should not be any per diem stipend (except expenses) for members or alternates who attend a meeting, except for the public member and alternate.

With respect to the public member and alternate, a different approach is appropriate. Unlike the other members and alternates, the public member and alternate are not participants in the kiwifruit industry. They would not have the same personal financial interest in the functioning of the proposed order as the other members and alternates. Therefore, in order to attract more easily high quality and well-qualified individuals to serve as public member and alternate, they should receive payment over and above reimbursement for expenses. The public member and alternate thus should receive a per diem payment for each day or part thereof spent in performing duties under the order. The rate shall be established by the committee.

The order should include a provision whereby the committee shall prepare and submit to the Secretary an annual report as soon as practicable after the end of each marketing season. Any such report should be made available to any grower or handler who requests a copy. The report should be a review of the administrative, financial, and regulatory activities of the committee. It should also include sufficient information to provide a good historical record of committee operations. Some witnesses stated that this report should also include a marketing analysis which demonstrates the economic effectiveness of the order. The order should not preclude the committee from providing for such analysis as the committee or the Secretary deems necessary, but does not require that it be done.

(c) The committee should be authorized under the order to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal year. Such a provision is necessary to assure the maintenance and functioning of the committee and should include the funding of any committee activities as the Secretary may determine to be appropriate. Necessary expenses include, but are not limited to such items as: Personnel salaries and benefits; establishment of an office and equipping such office; buying office products such as paper and supplies; telephone; and transportation for committee field staff managers or other employees. Another major category would be the cost of reimbursing committee members and alternates for expenses incurred in attending meetings. Such expenses would be incurred on an ongoing basis without regard to quality and other regulations in effect. The testimony was that in order to minimize expenses, most likely the committee would enter into an agreement to share management and facilities with the commission. This could include shared office space and equipment, and the joint employment of a manager and possibly other employees such as secretaries. Such a manager should report directly to the committee and be responsible for the functions that are required under the order. The proponent witness indicated that by the third year of operation the committee's administrative costs would be expected to approximate $100,000 annually. This estimate was based on the experience of the commission in its first three years of operation. The committee should be required to prepare a budget showing estimates of income and expenditures necessary for the administration of the order during a fiscal year. The budget, including an analysis of its components, should be submitted to the Secretary for approval prior to or as near to the beginning of each fiscal year as possible. Also, the budget should include a recommendation to the Secretary of a rate of assessment designed to secure the income required for such fiscal year. The order should provide for the assessment of handlers for maintenance and functioning of the committee throughout the time when the order is in effect, irrespective of whether particular provisions of the order are suspended or are inoperative. The act authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order and requires the order to contain provisions requiring handlers to pay their pro rata shares of such expenses.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, and other available information. In the event that an assessment rate is established which does not generate sufficient income to pay the approved expenses, the Secretary should be authorized to increase such assessment rate in order to secure sufficient funds, or, the committee may borrow money for such purposes. Any such assessment increase should be applicable to all kiwifruit handled during the applicable fiscal year. In addition, the committee should be authorized to accept advance payment of assessments or to borrow money to pay expenses due before assessment income is received. This would give the committee more flexibility particularly in the first part of a fiscal year before assessment funds are received. If a handler does not pay any assessment by the date it is due, the order should provide that the late assessment may be subject to an interest charge at a rate set by the committee with the approval of the Secretary. This interest charge would represent good normal business practice. This authority is intended to encourage prompt payments by handlers, and to compensate the committee for the loss of the money when the assessments are not paid on time.

The record evidence indicates that §—.41(b) of the order should be changed from that contained in the notice to establish a maximum assessment rate of three and one-half cents per flat, or the equivalent. This limitation would apply to administrative costs only. It is not intended to include costs for any required inspection, or to imply a minimum assessment rate. The Secretary would have the authority to change the maximum rate of assessment after the initial year of order operation by an amount corresponding to any change in the Consumer Price Index (cost of living) for California as published by the Bureau of Labor Statistics. The proponent witness estimated that there will be approximately five million flats of kiwifruit produced in the 1984–85 marketing season, which at the maximum assessment would result in revenue collections of $175,000. As previously noted this amount is expected to substantially exceed budget requirements. Further, inclusion of the reference to the Consumer Price Index would allow this maximum assessment to be increased, as indicated, on an annual basis. The establishment of a maximum assessment level should provide kiwifruit handlers and growers with a clear understanding of their financial obligation under the marketing order. Also, based on the experience of the commission, the use of the Index would likely give the committee the same flexibility in the future. The testimony was that the handler would be obligated to pay assessments, even

though most handler transactions are for the grower's account. This is in accordance with the act.

The testimony was that the handler should pay the corresponding assessments within 30 days after a report is made for kiwifruit shipped, or otherwise placed into the current of commerce. However, the committee could modify that requirement. For example, the proponents suggested that handlers might not be required to pay assessments in advance of collections on the sale of those shipments. In such an event, handlers could be required to maintain a record of both the shipment date and the date of receipt of payment. The maximum assessment rate should apply on the basis of a "flat" or its equivalent. Thus, since a flat contains about seven pounds of kiwifruit, it would follow that, for example, the assessment on a 28 pound box should be computed on a per-pound basis rather than a per tray.

At the discretion of the Secretary, the committee should be authorized to carry over any excess assessment funds into the subsequent fiscal year as a reserve. If excess assessment funds collected from handlers during a fiscal year are not carried over as a reserve, handlers should be entitled to a proportionate refund of any such excess funds. Such refund may be made by direct payment to a handler or by crediting such amount against such handler's assessment in the subsequent fiscal year. However, the order should provide that any such refund can be applied to offset any outstanding obligation due the committee from such handler. Funds carried over in a reserve should not be allowed to exceed approximately one fiscal year's expense.

According to the testimony the purpose of this reserve fund primarily is to provide stability in the administration of the order in case of a low crop year, by enabling the committee to maintain a qualified and trained staff in years of poor production. In addition, it might be more economical to retain a small excess in assessment funds than to refund them to handlers. It is anticipated that the reserve fund would be accumulated over a period of time, perhaps five years, in order to spread the cost of building this reserve fund. Also, establishing a reserve fund should give the committee the stability to both preclude borrowing or to raise the assessment during a fiscal period.

Reserve funds could also be used to cover necessary liquidation expenses of the committee in the event the order is terminated. Upon termination of the order handlers would be entitled to a refund of their equities. However, should the order be terminated after a number of years of operation, it may be difficult to determine handler equities with precision. Therefore, the order should provide that in such event, the funds may be disposed of in such manner as the Secretary determines to be appropriate, but to the extent practicable any such funds shall be returned pro rata to the handlers from whom such funds were collected. In addition, to provide control over committee funds, the order should provide that upon the removal or expiration of the term of office of any member of the committee, that member shall account for all receipts and disbursements and deliver all committee property and funds in his or her possession to the committee. In addition, such member shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for kiwifruit, among the other commodities, as will tend to establish parity prices to growers and be in the public interest. The proposed regulation of the handling of kiwifruit would provide a means for carrying out such policy.

To facilitate the operation of the program each year the committee should submit a marketing policy report to the Secretary. The report should be for the ensuing season and should be submitted by the committee prior to making any recommendations relative to regulations for such season. It should include information relative to the type of regulations expected to be recommended during the marketing season. In developing its marketing policy, the committee should give consideration to factors which affect the production and marketing of kiwifruit. Any such policy should be announced prior to the beginning of the packing period, or, if possible as early as May, so that growers and handlers will be prepared for and informed about the regulations that could be in effect for the upcoming season. The testimony was that the committee should be able to set any date that meet those criteria, but that a May announcement of the marketing policy is desirable in order to allow growers the opportunity to make any necessary adjustments in their cultural practices and, thus, improve the size and quality of their fruit. For example, the testimony was that such early announcement, barring unforeseen weather conditions, would provide growers an opportunity to thin misshapen or other fruit that might not meet order requirements. This would likely have the effect of improving both the quality and size of the remaining fruit and the percentage of packout of the fruit harvested. However, it is recognized that the committee would not be able to meet such a timetable the first year of the operation if the marketing order were made effective in time to regulate the 1984 crop.

The committee should consider the factors as hereinafter set forth in developing its marketing policy which will provide for a comprehensive evaluation of the overall supply and market outlook. In considering its marketing policy, the committee should appraise the expected quality and quantity of the forthcoming crop. In some years there may be large crops with smaller fruit or small crops with large fruit, or fruit with heat, frost, or wind damage. All of these circumstances may influence any committee recommendation for regulation. The committee should consider expected demand conditions for kiwifruit in different market outlets because kiwifruit are marketed heavily in many different foreign markets and information relative to the demand there may vary significantly from demand in domestic markets and from one year to the next. Kiwifruit may be used in markets other than fresh fruit, such as juice, jam, ice cream topping and wine, and the demand in these markets should be considered. In addition, the committee should consider the kiwifruit from all other production areas, since California kiwifruit would be in competition with such fruit. The committee should evaluate supplies of competing commodities such as southern hemisphere summer fruits. Also, since the fruit requires specialized packaging and storage, and thus the cost to the consumer per fruit or per pound is relatively high, the marketing policy should discuss consumer income levels and the impact thereof on the demand for kiwifruit. Finally, in order to provide flexibility the committee should include in its marketing policy and other factors which have a bearing on the marketing of kiwifruit. The Committee should insure that its policies and regulations are not designed to limit or affect the supply of kiwifruit made available to the market. Its policies and regulations may affect supply, but their purposes should not be to affect supply or quantity.

The Kiwifruit Administrative Committee, as the local administrative agency under the proposed order and a representative body of the industry, should be authorized to recommend

regulations designed to effectuate the declared policy of the act and the order. As previously mentioned, authority for regulations should include grade, size, quality, maturity, or any combination thereof, for kiwifruit grown in the production area but not quantity or supply. The committee should also be authorized to recommend regulations relative to the size, capacity, weight, dimensions, markings, or pack of any container or containers used in the handling of such kiwifruit. In making its recommendations, the committee shall give consideration to current information with respect to factors affecting the supply and demand for kiwifruit during the period or periods when it is proposed that such regulation be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicted and such other information as the Secretary may request. Any formal recommendation for regulation should be made as close to the harvest and packing season as possible so as to minimize changes which may be needed due to any abnormalities which might occur late in the growing season, but still afford sufficient time for the Secretary to implement any such recommendation by means of informal rulemaking.

This proposed rule should not be used in order to control supply or quantity. The evidence supports quality controls for California kiwifruit which would stimulate buyer demand and confidence, but not quantity a supply controls. The Secretary would evaluate the annual marketing policy submitted by the committee to determine that all current and proposed regulations are not designed to affect quantity or supply.

The proposed marketing order itself does not establish minimum standards. It would simply provide the authority for such actions to be implemented through regulations recommended by the committee and approved by the Secretary. Unless and until issuance of regulations pursuant to such authority, any person may market any kiwifruit he or she chooses to market without regard to grade, size, quality, pack or container requirements. Prior to issuance of any such regulations, the committee would meet (in public sessions) to recommend to the Secretary that requirements be issued. Any regulations issued would be initiated through informal rulemaking in the Federal Register.

The regulation of the grade, size, quality (including color), and maturity of kiwifruit is a major function of the proposed marketing order. The shipment of low grade, small size, and otherwise poor quality kiwifruit affects detrimentally consumer confidence and will be likely to depress financial returns to growers and would not be in the public interest. The regulation of such shipments would in the long run provide an assured supply of improved quality and larger size fruit.

With respect to references in the record to parity price, it is the responsibility of the U.S. Department of Agriculture (specifically the Statistical Reporting Service) to determine such price for agricultural commodities. Parity price is an official government figure and is computed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended, Title III Subtitle A.

The record evidence is that it is in the public interest and is consistent with the purposes of the act to have properly matured fruit available that will reach the desired sugar level when ripe. The testimony is that generally a soluble solids content of 6.5 to 7.0 percent represents the currently used minimum acceptable level of maturity at time of harvest or packing. With additional ripening, which may be brought about by exposure to ethylene gas, the kiwifruit can be expected to reach 13 to 15 percent at time of consumption, the apparent optimum level for consumer satisfaction.

The testimony was that the Committee, with the approval of the Secretary, may adopt U.S. Standards for Grades of Kiwifruit, namely U.S. No. 1 or U.S. No. 2, or the committee may recommend another standard which may or may not include some of the specifications of the U.S. Standards. There was considerable testimony as to what factors were most significant in any grade quality standard. However, several witnesses questioned whether external defects (also included in the U.S. Standards) such as minor blemishes or shapes which detract from the appearance of the kiwifruit, should be included in any marketing order requirement. The record indicates, however, that those surface factors can effect the marketability of kiwifruit in much the same way as does serious damage such as decay or other internal damage. Thus, it is appropriate for the marketing order regulations to contain any or all of the factors contained in the U.S. Standards. Similarly, size is also an important marketing factor. The testimony is that while some consumers buy small sized (for example 49 per flat or smaller) fruit, most others who shop at supermarkets and chain stores generaly buy larger and more uniform fruit. In addition, handlers may incur some additional costs with small fruit because it does not store as well, and any resulting losses may effect grower returns.

Section 608c(6)(H) of the act authorizes inclusion in a marketing order of terms and conditions to fix size, capacity, weight, dimensions, markings or pack of the container or containers used in the packaging or the handling of kiwifruit. Such terms and conditions promote orderly marketing conditions and are in the public interest. The testimony was that such occurrences as improper packaging techniques that bruise or injure kiwifruit in transit, mismarking of containers, and partially filled containers or fruit not representative of the size or quality marked on the containers, are not only misleading to the buyers, but also tend to destroy confidence, reduce demand and contribute to disordely marketing conditions. For example, one way to increase returns would be to ship size 42 kiwifruit (that is fruit which would normally take 42 pieces to make a 6.8 pound tray) in a 36 count tray and offer it to buyers at a slight discount. The buyer would receive 36 piecs of fruit, but the fruit weight per tray would only weigh about six pounds. Such a practice would be unfair to the initial buyers, consumers and other handlers if sales are based on such misrepresented information.

A variation of the above practices is the slight reduction of the dimensions of the tray, box, or other packing container down from the standard size. The resulting container might resemble the standard package closely but the individual fruit could be one or more sizes smaller than in the standard package. These are commonly known as "cheater boxes" and may be so similar to the standard container as to frequently pass unnoticed by the buyer. This practice destroys trade confidence and leads to confusion in the marketplace. On the other hand, the regulations should not be permitted to discourage the experimenting with or commercially by using of new containers of superior design, construction or materials, such as the one-pound cello bag. Rather, the regulations should be used to standaridize containers in order to prevent abuse through deceptive practices such as the use of "cheater boxes". Therefore, authority should be included to regulate containers to the extent necessary to maintain trade confidence, establish orderly marketing and improve returns to growers.

The order should provide for modification, suspension, or termination of any regulation whenever such action would tend to advance the objectives of the act and the order. The order should authorize such action based upon a recommendation of the committee, or other information available to the Secretary. This authority would provide flexibility for times when due to changes in circumstances, a given regulation is no longer appropriate for prevailing market conditions, and thus, should be modified, suspended, or terminated, as applicable. The testimony was that the committee should first carefully consider any such recommended action in the light that it could cause inequities to certain packers who may or may not have completed their packing operations. The potential for such inequities would seem greatest if a regulation were made more restrictive, because that action could have the effect of reducing the amount of fruit available to the market that might otherwise be available. Thus, while the order should contain the authority to tighten regulations (e.g. upgrade the quality of the fruit), the committee should consider any change in view of the possible inequities and obtain a comprehensive view of industry sentiment before making such recommendations.

The record evidence indicates that the order should exempt kiwifruit for certain uses from payment of assessments, quality, and container regulations, and inspection and certification requirements. It is found that shipments of kiwifruit for consumption by charitable institutions, for distribution by relief agencies or for commercial processing into products do not affect the marketing of kiwifruit in commercial fresh fruit market channels. Thus, such shipments should be exempt from order requirements. At the present time, small quantities of kiwifruit are used in the production of wine, and to a minor extent in other products such as jams and jellies. However, a proponent witness testified that with an assured supply, the market for processed kiwifruit could increase substantially and thereby increase grower returns.

Similarly, exemptions from regulations for the handling of kiwifruit to designated markets or other outlets could be used by the committee as a vehicle for developing markets that are not now available to the industry. Thus, the committee should have the flexibility to exempt shipments to such markets (eg. flea markets) from any or all regulations markets. To prevent possible abuse of the exemption provisions, the committee should have authority at the discretion of the Secretary to prescribe appropriate rules, regulations, and safeguards to prevent kiwifruit handled under exemption from entering the channels of commerce for fresh kiwifruit or for some purpose other than the specific purpose authorized, if such action is necessary. Such safeguards could include, but are not limited to, a certification as to use by the intended purchaser or receiver that the kiwifruit will not be used for any unauthorized purpose.

(e) The record evidence is that inspection and certification of shipments are necessary, and are the most practicable way to assure that the handling of kiwifruit complies with the regulations to be effective under the proposed order. The Federal-State Inspection Service has inspectors in the production area and inspected about 16,000,000 pounds of kiwifruit in the 1982–83 season. At the hearing, a representative of that agency indicated that it is in a position to provide any necessary mandatory inspection and certification under a marketing order. Thus, any inspections required under the marketing order would be required to be conducted by the Inspection Service.

Promptly after inspection and certification, each such handler would submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such kiwifruit. The certificate would verify that the fruit meets the order requirements. The testimony is that it is the handler's responsibility to see that the certificate is submitted to the committtee. However, the handler may arrange with the Inspection Service for it to send in the certificates on behalf of the handler.

Kiwifruit may be stored reasonably well for up to six months. This allows the shipper more time to market the fruit as compared with many other crops that must be marketed soon after harvest. However, lot inspections at the packinghouse during the packing season may not provide an accurate appraisal of the quality of that same lot 60 to 90 days later, due to the expected condition changes in the fruit. Thus, the proper time for the required inspection under the proposed order is just prior to shipment when a true appraisal of a lot can be obtained. Since kiwifruit are perishable and may deteriorate over time, the order should authorize establishment of a maximum time for which an inspection certificate is valid. Such authority could be used as necessary to require that kiwifruit be inspected within a specified time prior to the time it moves into the channels of commerce, including transportation out of the production area. It follows that if the kiwifruit are not shipped within such time they would be subject to reinspection. The committee should submit to the Secretary a recommendation concerning the length of time the certificate is valid.

Responsibility for obtaining inspection would fall on the person who handles the kiwifruit, and all fruit should be inspected prior to such handling. However, there could be some occasions when inspectors are not available within a reasonable time before handling to perform the required inspection. For example, there could be possible hardships on a small isolated handler for whom it may be difficult to provide timely inspection. Thus, the order should provide that in such cases the inspection requirement may be waived. Subject to approval of the Secretary, the committee would prescribe rules and regulations governing the issuance of waivers of inspection to prevent the abuse of such provision. Moreover, any such waiver would not release the handler from complying fully with any other order requirements.

The order should authorize the committee to enter into an agreement with the Federal-State Inspection Service for the required inspection and collect from handlers their respective pro rata share of inspection costs. The inspection service representative testified that currently the agency charges a $20 per hour fee, but that under a marketing order for kiwifruit, it would be appropriate that a container fee should be established to apply to all kiwifruit inspected for marketing order purposes, instead of charging on an hourly basis. Such a system would primarily benefit small handlers in outlying areas who otherwise would pay a disproportionately higher rate per container for any required inspection and certification. While no specific rate was offered, the testimony indicates that the fee might approximate two cents per seven pound flat. Proponents also indicated that inspection on a container fee basis would be desirable. However, they indicated that it might not be in place for the 1984 season.

Another cost incurred by handlers would be any required application of a lot stamp on individual containers as supervised by the inspection service. Such a stamp is anticipated and could be applied either by an automatic in-line stamping device or manually. In either event, the testimony does not indicate

that the associated costs to handlers would be significant on a per flat basis.

(f) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as it may need to perform its functions and fulfill its responsibilities under the order. The record evidence is that in the normal course of business, handlers have the necessary information in their possession and based on the experience of similar orders now in effect, the requirement that they furnish it to the committee in the form of reports should not constitute an undue burden. Reports are needed by the committee for such purposes as: Collecting assessments; collecting statistical data for use in marketing policy development and recommendations for regulations; and determining whether handlers are complying with order requirements. The evidence is that normally a handler or an employee can complete any required reports under the proposed order.

The record evidence is that to the extent necessary for the committee to perform its functions, handlers should provide certain information, as herein specified by the committee on each shipment of kiwifruit. This information would include such items as: The name of the handler and the shipping point; the identification of the carrier, whether it is a truck identification or car license number; the date and time of departure; the number and type of containers in the shipment; the quantities shipped by variety, size and grade; the lot destination; and the identification number of the inspection certificate or waiver. The record indicates that generally handlers maintain all or almost all of this data in the normal course of business operations. The foregoing, however, should not be construed as a complete list of information the committee might require, nor, should it be assumed that all of the above will necessarily be required of handlers if the committee believes it is not necessary to carry out its functions. There may be other reports or kinds of information which the committee may find necessary for the proper conduct of operations under the order. For example, the committee may wish information on domestic and export shipments, including shipments of kiwifruit to U.S. locations for subsequent exportation. Also, it may be desirable for the committee to collect information on kiwifruit in inventory and the length of storage. Therefore, the order should authorize the committee, with the approval of the Secretary, to require each handler to furnish such information as it finds necessary to perform its duties under the order.

The order should require each handler to maintain such records of the kiwifruit received and disposed of as may be necessary to verify the reports the handler submits to the committee. All records should be maintained for two fiscal years after the fiscal year in which the transactions occurred.

The testimony was that this was a shorter time requirement than that imposed by the commission, however, two years should provide ample opportunity for the committee to undertake any audit of a handler's records. Those records should be sufficient to demonstrate compliance with the order and should include any document necessary to validate a handler's reports.

All reports and records submitted by handlers would be required to be kept confidential and the contents disclosed to no person other than the Secretary and persons designated by the Secretary. Under certain circumstances, release of information compiled from reports may be helpful to the committee and to the industry generally in planning operations under the order. However, any information released should be on a composite basis, and such release of information should disclose neither the identity of the person furnishing the information nor such person's individual operations. This is necessary to prevent disclosure of information that may affect the trade or financial position of business operations of individual handlers.

(g) Except as provided in the recommended order, no handler should be permitted to handle kiwifruit, the handling of which is prohibited by such order or prohibited by any regulations issued under such order. If the program is to operate effectively, compliance with its requirements is essential and no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to those handlers who are in compliance and could impair the effective operation of the program. The record evidence is that the proposed marketing agreement and order is so constructed to permit the committee to effectively carry out its compliance function in a comprehensive, but equitable manner.

(h) The provisions of §§—.62 through —.70 of the order as contained in the notice of hearing and hereinafter set forth in the recommended order, are common to marketing agreements and orders now operating. All such provisions are incidential to and not inconsistent with the act and are necesssary to effectuate the other provisions of the recommended marketing order and marketing agreement and to effectuate the declared policy of the act. The record evidence supports inclusion of each such provision as proposed in the notice of hearing. Those provisions which are applicable to both the marketing agreement and the marketing order, identified by section number and heading are as follows: §—.62 Right of the Secretary; §—.63 Termination; §—.64 Proceedings after termination; §—.65 Effect of termination or amendment; §—.66 Duration of immunities; §—.67 Agents; §—.68 Derogation; §—.69 Personal liability; and §—.70 Separability. Those provisions applicable to the marketing agreement only are: §—.71 Counterparts; §—.72 Additional parties; and §—.73 Order with marketing agreement. The order should prove that the Secretary conduct a periodic referendum every six years, beginning in 1990. The proponents testified that such a provision is consistent with the commission's referendum requirement and will allow sufficient opportunity for growers to express their views. In any referendum conducted pursuant to §—.63 the Secretary shall terminate the program when termination is favored by a majority of the growers who, during the current marketing season, produced more than 50 percent of the volume of the kiwifruit which were produced within the production area for shipment in fresh form. The criteria for termination is identical to that contained in the Act and should be adopted.

Ruling on briefs of interested parties

At the conclusion of the hearing the Administrative Law Judge fixed April 13, 1984, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs based upon the evidence received at the hearing. On March 26, 1984, the Judge extended that final date to April 23, 1984. The following persons and organizations submitted documents: Martin D., Hamilton, Stanslaus Growers and Packers; Richard M. and Barbara K. Peekema, Peekema Bros.; Carl A. Pescosolido, Jr., Cal Ranch, and James A. Moody, Capital Legal Foundation; Fred M. Shanks, James Mills Growers Service Company and North State Kiwi Packers; and George H. Soares for Kiwi Growers of California, Inc.

These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth herein. To the extent that any suggested findings or conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied. In addition to the issues already discussed, it was argued that the proposed marketing order would violate both the "taking" and the "equal protection clause" of the Constitution. Such constitutional challenges have long been put to rest by the courts, and at present there are a number of Federal District Court, Circuit Court, as well as Supreme Court decisions upholding the vailidity of the act and marketing orders promulgated thereunder.

General Findings

Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of kiwifruit grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commerical or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their applicability to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are not differences in the production and marketing of kiwifruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of kiwifruit grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

List of Subjects in 7 CFR Part ——

Marketing agreement and order, Kiwifruit, California

Recommended marketing agreement and order

The following marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out. Those sections identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed marketing order.

PART —— —Kiwifruit Grown in California

Definitions

§ —.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated.

§ —.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

§ —.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ —.4 Production area.

"Production area" means the State of California.

§ —.5 Kiwifruit.

"Kiwifruit" means all varieties of *Actinidia chinensis*, Planch., commonly called kiwifruit, or kiwi, grown in the production area.

§ —.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of kiwifruit.

§ —.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on August 1 of one year and ending on the last day of July of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ —.8 Committee.

"Committee" means the Kiwifruit Administrative Committee established pursuant to § —.20.

§ —.9 Grower.

"Grower" is synonymous with producer and means any person who produces kiwifruit for the fresh market and who has a proprietary interest therein.

§ —.10 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting kiwifruit owned by another person) who handles kiwifruit.

§ —.11 Handle.

"Handle" and ship are synonymous and mean to sell, consign, deliver, or transport kiwifruit, or to cause kiwifruit to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include the sale of kiwifruit on the vine, the transportation within the production area of kiwifruit from the vineyard where grown to a packing facility located within such area for preparation for market, or the delivery of such kiwifruit to such packing facility for such preparation.

§ —.12 District.

"District" means the applicable one of the following described subdivisions of the production area or such other subdivision as may be prescribed pursuant to § —.31:

(a) "District 1" shall include the counties of Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas, and Butte (with the exception of that area set aside as "District 2").

(b) "District 2" shall include the 95948 postal zip code area known as Gridley (and the surrounding area), incorporating the area located within the following boundaries: The area west of the Feather River; north of the Butte/Sutter county line; east of Pennington and Riley Roads; and south of Farris Road, Ord Ranch Road and Gridley Avenue.

(c) "District 3" shall include the counties of Yuba, Sutter, Sierra, Nevada, and Placer.

(d) "District 4" shall include the counties Del Norte, Humboldt, Trinity, Mendocino, Lake, Sonoma, Marin, Napa, Solano, Yolo, Colusa and Glenn.

(e) "District 5" shall include the counties of San Joaquin, Calaveras, Tuolumne, Merced, Stanislaus, Contra Costa, El Dorado, Amador, Sacramento, Alpine, San Francisco, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito and Monerey.

(f) "District 6" shall include the counties of Mono, Mariposa, Madera, Fresno and Kings.

(g) "District 7" shall include the counties of Tulare and Inyo.

(h) "District 8" shall include the counties of San Luis Obispo, Santa Barbara, San Bernardino, Kern, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial.

§ —.13 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of kiwifruit in a particular type and size of container, or any combination thereof.

§ —.14 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of kiwifruit.

Administrative Body

§ —.20 Establishment and membership.

There is hereby established a Kiwifruit Administrative Committee consisting of 12 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate. The 12 member committee shall be made up of the following: One public member (and alternate); One member (and alternate) from each of the eight California districts; three additional committee members and their alternates to be selected from the three districts with three highest productions: *Provided,* That no more than a total of two members and their alternates shall represent any one district. With the exception of the pubic member and alternate, all members and their respective alternates shall be growers or employees of growers.

§ —.21 Term of office.

The term of office of each member and alternate member of the committee shall be two years from the date of their selection and until their successor has qualified; provided, however, that of the first members of the committee, one-half shall serve for one year, and one-half shall serve for two years, with the determination of term of each member to be made by lot at the time of selection. Except as otherwise provided in this Order, the terms shall begin August 1 and end on the last day of July. Members and alternates may serve up to three consecutive two year terms on the committee.

§ —.22 Nomination.

(a) *Initial Members.* Nominations for each of the initial members, with the exception of the public member and alternate, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meets of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § —.20.

(b) *Successor Members.* (1) The committee shall hold or cause to be held, not later than July 15, of each even numbered year, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(2) Only growers from a given district who are present at such nomination meetings, or represented at such meetings by duly authorized employees, may participate in the nomination and election of nominees for members and their alternates.

(3) A particular grower shall be eligible for membership as member or alternate member to fill only one position on the committee.

(c) The public member and alternate member shall be selected by the Secretary in his discretion.

§ —.23 Selection.

From the nominations made pursuant to § —.22, or from other qualified persons, the Secretary shall select the 12 members of the committee and an alternate for each such member, with the exception of the public member and alternate member, who shall be selected by the Secretary in his discretion.

§ —.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § —.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § —.20.

§ —.25 Acceptance.

Each person to be selected by the Secretary as a member or as an alternate member of the committee shall, prior to such selection, qualifying by advising the Secretary that he/she agrees to serve in the position for which nominated for selection.

§ —.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as alternate member of the committee to qualify, or in the event of the death, removal, resignation or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected, or, in the case of the public member and alternate, selected by the Secretary in his discretion, in the manner specified in §§ —.22 and —.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § —.20.

§—.27 Alternate members.

An alternate member of the committee, during the absence of either the member for whom that individual is an alternate, or, in the case of districts with two grower positions on the committee, the other member and that member's alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, the alternate of such member shall act for him or her until a successor for such member is selected and has qualified.

§—.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§—.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairperson and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents and representatives as it may deem necessary, and to determine

compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling and marketing conditions with respect to kiwifruit;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as may be requested;

(k) To investigate compliance with the provisions of this part;

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in kiwifruit production within the districts and the production area.

§—.32 Procedure.

(a) Eight members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That actions of the committee with respect to expenses and assessments, or recommendations for regulations pursuant to §§—.50 through —.55, or this part shall require at least eight concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§—.33 Expenses and compensation.

(a) Except for the public member and alternate, the members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided,* That the committee at its descretion may request the attendance of one or more alternates, including the public alternate, at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

(b) The public member and alternate shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part, and shall receive per diem compensation established by the committee.

§—.34 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

Expenses and Assessments

§ —.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in § —41.

§—.41 Assessments.

(a) As his or her pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles kiwifruit during such period shall pay to the committee, upon demand, assessments on all kiwifruits so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative. If a handler does not pay any assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at a rate prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later findings by the Secretary relative to the expenses which may be incurred: *Provided,* That any assessment, excluding any amount collected pursuant to § —.53(c), must be limited to a maximum assessment rate of three and one-half cents per flat, or the equivalent thereof. The Secretary may increase this maximum rate in each succeeding year after the initial year of order operation by the Consumer Price Index (cost of living) for California as published by the Bureau of Labor Statistics. Such increase shall be applied to all kiwifruit handled during the applcable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ —.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in paragraph (a)(2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his or her pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess in subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve may be used:

(i) To defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses;

(ii) To cover deficits incurred during any fiscal year when assessment income is less than expenses;

(iii) To defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; and,

(iv) To cover necessary expenses of liquidation in the event of termination of this part.

Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his or her possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

Regulations

§ —.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to —.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of kiwifruit within the production area;

(2) The expected general quality and size of kiwifruit in the production area and in other areas;

(3) The expected demand conditions for kiwifruit in different market outlets;

(4) The expected shipments of kiwifruit produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of kiwifruit; and

(8) The type of regulations expected to be recommended during the marketing season.

§ —.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of kiwifruit in the manner provided in § —.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for kiwifruit during the period or periods when it is proposed that such regulations should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ —.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of kiwifruit whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of kiwifruit grown in the production area;

(2) Limit the shipment of kiwifruit by establishing, in tems of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of kiwifruit.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give notice thereof to handlers.

§ —.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issues pursuant to § —.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of kiwifruit in order to effectuate the declared policy of the act, the Secretary shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, the Secretary shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ —.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ —.41, —.52, —.53 and —.55 and the regulations issued thereunder, handle kiwifruit: (1) For consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ —.41, —.52, —.53 or —.55, the handling of kiwifruit: (1) To designated market areas; (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects); or, (3) in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent kiwifruit handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle kiwifruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the kiwifruit will not be used for any purpose not authorized by this section.

§ —.55 Inspection and certification.

(a) Whenever the handler of any variety of kiwifruit is regulated pursuant to §§—.52, or —.53, each handler who handles kiwifruit shall, prior thereto,

cause such kiwifruit to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided,* That inspection and certification shall not be required for kiwifruit which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such kiwifruit. The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided,* That all shipments made under such waiver shall comply with all regulations in effect.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

Reports

§ —.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committe may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of kiwifruit as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, size and grade of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the kiwifruit received and disposed of by such handler as may be necessary to verify the reports submitted to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

Miscellaneous Provisions

§—.61 Compliance.

(a) Except as provided in this part, no person shall handle kiwifruit, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle kiwifruit except in conformity with the provisions of this part and the regulations issued under this part.

(b) For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any kiwifruit held by such handler, and any and all records of the handler with respect to his or her acquisition, sales, uses and shipments of kiwifruit. Each handler shall furnish all labor and equipment necessary to make such inspections.

§—.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, attorneys or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§—.63 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which the Secretary may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever the Secretary finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided,* That such majority has, during the current marketing season, produced more than 50 percent of the volume of the kiwifruit which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of August subsequent to the announcement thereof by the Secretary.

(d) The committee shall consider all petitions from growers submitted to it for termination of this part provided such petitions are received by the committee prior to February 1 of the then current fiscal period. Upon recommendation of the committee received not later than April 1 of the then current fiscal period, the Secretary shall conduct a referendum among the growers prior to July 15 of such fiscal period to ascertain whether continuance of this part is favored by producers.

(e) The Secretary shall conduct a referendum within the period beginning May 15, 1990, and ending July 15, 1990, to ascertain whether continuance of this part is favored by the growers as set forth in paragraph (c) of this section. The Secretary shall conduct such a referendum within the same period of every sixth fiscal period thereafter.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§—.64 Proceeding after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all the funds and property

then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall: (1) Continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee of the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§—.65 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§—.66 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§—.67 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

§—.68 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§—.69 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§—.70 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

*§—.71 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

*§—.72 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him or her and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party.

*§—.73 Order with marketing agreement.

Each signatory hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of kiwifruit in the same manner as is provided for in this agreement.

Copies of this recommended decision may be obtained from: William J. Doyle, Room 2532–S, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5975 or William Blackburn, P.O. Box 214287, Sacramento, California 95821, (916) 484–4855.

Signed at Washington, D.C., on June 29, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–17732 Filed 7–3–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

[Docket No. 84N–0036]

Notice to Sponsors of Drugs Containing Sulfamethazine, Sulfaquinoxaline, Sulfamerazine, Sulfathiazole, Sulfapyridine, or Sulfanilamide for Oral, Injectable, Intramammary, or Intrauterine Use in Food-Producing Animals; Termination of Interim Marketing; Data Submission Requirements

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) in announcing plans for the termination of interim marketing under § 510.450 (21 CFR 510.450) for drugs containing sulfamethazine, sulfaquinoxaline, sulfamerazine, sulfathiazole, sulfapyridine, or sulfanilamide for oral, injectable, intramammary, or intrauterine use in food-producing animals. FDA requests that sponsors of new animal drug applications (NADA's) covered by interim marketing submit a statement of intent with regard to contained marketing of their products and that sponsors submit data, revised labeling, and other information necessary for approval of an NADA. After evaluation of that information with respect to each NADA, FDA will either approve the NADA or publish a notice of opportunity for hearing on denial of approval. FDA will also publish at that time a proposal to revoke § 510.450.

This notice lists firms that have submitted NADA's for sulfonamide-containing drugs under the provisions of § 510.450 and sets forth data to be submitted for approval of NADA's, together with suggested label revisions for such products.

This notice also provides guidance to persons who wish to submit NADA's for the marketing of drugs containing these six sulfonamides for oral, injectable, intramammary, or intrauterine use in food-producing animals. Such NADA's

must be approved unconditionally before marketing may begin.

DATE: Sponsors must submit a letter of intent by October 3, 1984 and data, revised labeling, and other information by October 7, 1985.

ADDRESS: Submission to the Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Haines, Center for Veterinary Medicine (HFV 133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION:

I. Background Information and Scope of This Notice

Section 510.450 was initially promulgated as § 135.102 (21 CFR 135.102) in the **Federal Register** of October 23, 1970 (35 FR 16538). The regulation established as an interim measure a 5-day withdrawal period for poultry and a 10-day withdrawal period for all other food-producing animals. The regulation applied to all sulfonamide-containing drugs for use in food-producing animals and required sponsors of NADA's for sulfonamide products to submit within 1 year (by October 22, 1971) residue depletion information to permit, based on such data, the establishment of appropriate withdrawal periods. FDA promulgated the regulation because new information available to the agency indicated that sulfonamide drug residues may be present in edible tissues of food-producing animals slaughtered within 10 days of the last treatment.

In the **Federal Register** of July 22, 1974 (39 FR 26633), FDA revised the regulation and deemed all sulfonamide drugs to be new animal drugs for which approved NADA's are required. Firms then marketing products containing sulfonamide drugs that were not the subject of approved NADA's were permitted to continue marketing the products on an interim basis, provided they submitted NADA's by January 20, 1975, and made a commitment to conduct and submit the results of 90-day feeding studies (toxicity studies) in a rodent and nonrodent species. Sponsors who did not meet the January 20, 1975 deadline have not been permitted interim marketing privileges.

FDA required the feeding studies because of concerns about thyroid toxicity. In addition, sponsors were required to develop more specific and sensitive regulatory methodology for detecting sulfonamide residues if existing methodology were found to be inadequate to monitor the tolerances for residues established following evaluation of those feeding studies. The results of those feeding studies were to be submitted by July 22, 1975. This date was extended to October 22, 1975 (September 19, 1975; 40 FR 43213). The feeding studies and the new methodology were to be submitted by sponsors of approved NADA's that had not already submitted such information as well as by those who had been given interim marketing privileges.

In the **Federal Register** of May 5, 1978 (43 FR 19385), FDA further revised the regulation to add the requirement that products containing sulfamethazine intended for use in swine feed or drinking water be labeled with a 15-day withdrawal time.

In the **Federal Register** of January 28, 1983 (48 FR 3962), FDA amended § 510.450 to require a 10-day withdrawal period for all sulfonamides for all animal species (except for the 15-day withdrawal for sulfamethazine used in swine feed or drinking water), unless a specific withdrawal period, based on data submitted and found satisfactory, had been established. FDA stated that it would reconsider the 10- or 15-day withdrawal times as part of the agency's evaluation of the human food safety of sulfonamides.

By January 20, 1975, 28 firms had submitted 229 NADA's requesting interim marketing under § 510.450. At present 190 NADA's cover interim marketing of sulfonamide products under § 510.450; the remaining NADA's were either withdrawn by their sponsors, or terminated by FDA for failure to submit required data.

This notice describes the requirements that must be met before FDA will give unconditional approval to the interim-marketing NADA's. These requirements also apply to persons who wish to submit NADA's for the marketing of these sulfonamides for identical claims. Finally, this notice discusses the status of the NADA's that were approved before the adoption of § 510.450.

Although § 510.450 included within its scope all sulfonamide-containing drugs, interim-marketing NADA's included products containing only six sulfonamides: sulfamethazine, sulfaquinoxaline, sulfamerazine, sulfathiazole, sulfapyridine, and sulfanilamide. Sponsors of NADA's submitted in the future for identical claims for these sulfonamides for oral, injectable, intramammary, or intrauterine use must meet the requirements stated in this notice. Sulfonamides other than these six are not within the scope of this notice. NADA's for other marketed sulfonamides have been approved unconditionally and are in full compliance with the human food safety requirements of § 510.450.

Of the six sulfonamides listed above, there are several unconditionally approved NADA's for currently marketed sulfamethazine and sulfaquinoxaline products. All approved NADA's for sulfamethazine as the sole drug are in full compliance with the requirements stated in this notice, including labeling claims. Approved sulfaquinoxaline products are in compliance with § 510.450 except for some human food safety requirements. FDA is working with the sponsors of those products to satisfy remaining data requirements. The data must be submitted not later than 15 months from the date of this notice.

II. Human Food Safety

Section 510.450 established three requirements concerning human food safety data: (1) Residue depletion studies, (2) 90-day subchronic toxicity studies (feeding studies), and (3) a regulatory methodology capable of monitoring residues at the established tolerance.

The effect of sulfonamide drugs on the thyroid was the major human safety concern. Based primarily on a published study on the effect of sulfamethoxazole on the thyroid (Ref. 1) and summaries of data included as proprietary information in NADA's, FDA concluded that the degree of thyroid response to exposure to sulfonamide drugs should be an important criterion in the evaluation of sulfonamide toxicity and the establishment of "no-effect" levels. Consequently, all sulfonamide drug sponsors were required to submit for each drug the results of 90-day subchronic toxicity studies in one rodent and one nonrodent species, which were adequate to support a tolerance for negligible residues.

The required toxicity studies were submitted on behalf of sponsors of all 190 NADA's for sulfonamide compounds currently marketed under § 510.450, and sponsors with previous approvals. With the exception of sulfaquinoxaline, the toxicity data support a tolerance of 100 parts per billion (ppb) (0.1 part per million (ppm)) for residues. The data for sulfaquinoxaline support a tolerance of 25 ppb (0.025 ppm). These data are proprietary. Sponsors of NADA's submitted in the future must either have authority to reference the appropriate master file containing the data or submit original data.

Residue depletion data for each species have been submitted for only a few of the 190 NADA's pending under § 510.450. These data, which are necessary to permit the assignment of preslaughter withdrawal periods that will ensure that edible products are free of above-tolerance sulfonamide residues, must be submitted for each NADA and must be collected by using a regulatory method reliable at least to the tolerance for residues for the drug in question. The Bratton-Marshall method or modifications to that method traditionally have been used to collect residue depletion data for sulfonamide residues in tissue. The agency will continue to accept data collected with this methodology, provided the data are supported by adequate recoveries of sulfonamides added to tissues under study. The results with the Tishler-A method (Ref. 2) appear to be slightly more reliable than those obtained by other modified Bratton-Marshall methods, at least for sulfamethazine, sulfathiazole, and sulfaquionoxaline. For determination of sulfamethazine the gas chromatography/mass spectrometric (GC/MS) assay developed by the U.S. Department of Agriculture (USDA) (Ref. 3) and the GC method of Manuel and Steller (Ref. 4) have been studied collaboratively in FDA and USDA laboratories and found to be acceptable (Ref. 5).

In 1979, FDA reevaluated its requirement for the confirmatory test for the Bratton-Marshall method and concluded that it would be wasteful for each sponsor to develop its own confirmatory test. The agency will complete the development of a standard mass spectrometry based confirmatory procedure.

The human food safety requirements for these interim marketed sulfonamide drugs do not reflect current approval standards. As discussed in section III below, the sulfonamide products covered by this notice are within the scope of the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Implementation (DESI) program. (The DESI program only covered effectiveness and safety to the target animal.) FDA has in the past not required the sponsors of drug products that are identical or similar to DESI-reviewed products to meet current human food safety standards.

The human food safety requirements stated above apply to interim-marketed sulfonamide products for the DESI-reviewed claims listed in section VII below. These requirements also apply to sponsors of future NADA's for these six sulfonamide products with DESI-reviewed claims. Sponsors of interim marketing and future NADA's with different claims will be required to meet the current human food safety requirements. In the alternative, such sponsors may request hearings on denial of approval.

References

The following information has been placed in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. "Observations on the Thyroid Gland in Rats Following the Administration of Sulfamethoxasole and Trimethoprim," *Toxicology and Applied Pharmacology*, 24:351–363, 1973.

2. Tishler, F., J. L. Sutter, J. N. Bathnish, and H. E. Hagman, *Journal of Agricultural and Food Chemistry*, 16:50–53, 1968.

3. Suhre, F., R. Simpson, and J. Shafer, *Journal of Agricultural and Food Chemistry*, 29:727, 1981.

4. Manuel, F. J., and W. A. Steller, *Journal of Association of Official Analytical Chemists*, 64:794, 1981.

5. Malanoski, A. J., C. J. Barnes, and T. Fazio, *Journal of Association of Official Analytical Chemists*, 64:1386, 1981.

III. Safety of the Target Animal and Effectiveness

This section sets forth the effectiveness and target animal safety data needed for the approval of NADA's for sulfonamide products within the scope of the DESI program. These requirements apply to NADA's that are covered by interim marketing privileges under § 510.450, and to future NADA's. Interim marketing and future NADA's with claims not listed in section VII below will have to be supported by adequate and well-controlled investigations before they can be approved.

Sulfamethazine, sulfaquinoxaline, sulfamerazine, and sulfathiazole were evaluated as part of the DESI program. The products were evaluated as "probably effective" and on the basis of published literature and labeling revisions were moved to the "effective" category by FDA for the claims and species listed below in section VII.

The DESI-reviewed sulfamethazine and sulfaquinoxaline products listed below are presently the subject of approved NADA's and are marketed for these uses. Sponsors of NADA's for identical or similar products have several options, as discussed in detail below, for submitting data to show bioequivalency of their products with the appropriate DESI-reviewed drug. Sponsors may submit data from blood level studies comparing their products with the appropriate DESI-reviewed product. In the alternative, sponsors may establish bioequivalency by demonstrating the bioavailability (serum or plasma of blood) of their products, or by demonstrating through in vivo clinical studies the effectiveness of their products for one of the indications that will be on the label.

Normally the agency would require the sponsors of products that are identical or similar to the DESI-reviewed suflamethazine and sulfaquinoxaline products to establish bioequivalency through blood level comparisons with the DESI-reviewed product. However, as discussed below, sponsors of the other four sulfonamides within the scope of this notice must by necessity conduct bioavailability or clinical studies. Therefore, the agency has decided in the interest of fairness to made these options available to sulfamethazine and sulfaquinoxaline sponsors. (The discussion below with respect to cattle, swine, sheep, and rabbits does not mention clinical studies because it is anticipated that bioavailability blood level studies will be more easily accomplished. Sponsors may conduct clinical studies, however. Also, as explained below, bioavailability data are not appropriate for poultry.)

Because the sulfathiazole and sulfamerazine products reviewed by NAS/NRC are no longer being marketed, it will not be possible for sponsors of identical or similar products to demonstrate bioequivalency by comparison with the DESI-reviewed products. Although products containing sulfapyridine and sulfanilamide were marketed for many years before 1962, the products were not the subject of approved NADA's and were not submitted for review by NAS/NRC. In view of the existence of interim-marketing privileges for drug products containing these sulfonamides, and in the interest of applying the same general data submission requirements to all sponsors of interim-marketing sulfonamide NADA's FDA has concluded that the products listed below should be treated as having been reviewed by NAS/NRC as part of the DESI program. The agency has reviewed publicly available literature and has concluded that these two drugs are safe to the target animal and effective for the uses listed below. (A list of these references is available at the Dockets Management Branch (address above).) Sponsors of NADA's for these four sulfonamides should submit, as discussed below, either bioavailability

(blood level) data or data from in vivo clinical studies.

FDA has concluded that NADA's for drug products containing more than one sulfonamide will comply with the Center for Veterinary Medicine's combination drug policy (21 CFR 514.1(b)(8)(v)) without submission of data from studies that compare the combination of sulfonamides with the individual sulfonamides. Because all sulfornamides have the same mechanism of action, each individual sulfonamide can be expected to contribute to the total effect of the combination drug.

Different data requirements apply depending on species. Regarding the animal species and uses listed below, the agency has divided all species into two groups. One group of species includes cattle, swine, sheep, and rabbits; the other group includes chickens and turkeys. Satisfactory bioequivalency, bioavailability (blood level), or clinical studies conducted in one animal species will be sufficient to satisfy that requirement for that specific drug product with respect to other animal species.

Adequate and well-controlled studies that meet the requirements of the act and regulations will be required for any claims, species, or conditions of use not listed below. FDA will comment, upon request, on any protocols proposed to establish safety and effectiveness. Questions should be addressed to the contact person listed above.

The subsections below describe in general terms the characteristics of the bioequivalency, bioavailability, or clinical studies that are required. Sponsors are advised to consult the Center for Veterinary Medicine through the contact person named above for additional guidance.

A. Cattle, Swine, Sheep, and Rabbits

1. Sulfamethazine and sulfaquinoxaline: Data to show bioequivalency with the DESI-reviewed product (47 FR 25320; June 11, 1982 and 48 FR 3962; January 28, 1983) should be obtained using a 10 x 10 crossover study with a resting period of 2 to 4 weeks. In the alternative, FDA will accept bioavailability data obtained using a minimum of 10 animals and demonstrating sulfonamide blood levels (serum or plasma of blood) of 8-milligram (mg) percent or more. It is appropriate scientifically to conclude that a sulfonamide drug is bioequivalent to the DESI-reviewed drug, based only on bioavailability data from the test drug, because the therapeutic blood levels of sulfonamides in these species are well established in the published scientific literature (Bevill, R. F., and W. G. Huber, *Veterinary Pharmacology and Therapeutics*, L. M. Jones, N. H. Booth, and L. E. McDonald, editors, p. 903; Iowa State University Press, 4th ed., 1977).

2. Sulfanilamide sulfamerazine, and sulfapyridine: Bioavailability data should be obtained using a minimum of 10 animals to demonstrate sulfonamide blood levels of 8-mg percent or more.

3. Sulfathiazole: Demonstrated blood levels of 2-mg percent or more using a minimum of 10 animals will be acceptable.

4. Products containing sulfamethazine alone intended solely for intravenous administration are not subject to the requirement for bioequivalency or bioavailability data if the active drug ingredient is in the same solvent and concentration as the DESI-reviewed product (46 FR 62054; December 22, 1981). The sponsor of such a product must submit satisfactory data demonstrating that its product and the DESI-reviewed product are pharmaceutically equivalent. Although the products need not contain the same inactive ingredients, both products must supply equivalent amounts of the active drug ingredient (the same salt or ester of the same therapeutic moiety in the same solvent).

5. Sponsors of pending NADA's for sulfonamide products containing two or more sulfonamides must submit bioavailability data demonstrating sulfonamide blood levels (serum or plasma of blood) of 8-mg percent or more. A minimum of 10 animals should be used in determining such blood levels.

B. Chickens and Turkeys

1. Sulfamethazine or sulfaquinoxaline alone in the form of a drinking water solution or soluble powder: A study to show bioequivalency with the DESI-reviewed drug (47 FR 25320; June 11, 1982 and 48 FR 3962; January 28, 1983) should use 28 pens of 10 chickens or turkeys between 3 and 4 weeks of age. An extra 10 birds receiving the same diet and untreated water should be sacrificed to determine "background" sulfonamide blood levels and to generate recovery data. The dosage and length of treatment should be identical to those listed below for the drug product. At 2, 4, 8, 12, 18, 24, and 48 hours after dosing, two pens per treatment group should be selected randomly and the birds sacrificed and samples collected by exsanguination. Blood levels over time should be compared by analyses of variance with regard to areas under the curves, average peak heights, and overall split-plot analysis in time. The last analysis is intended to compare overall mean blood levels as well as the slopes of the blood level curves.

In the alternative, the results of a clinical study demonstrating the effectiveness of the drug against one disease claimed in the suggested labeling may be submitted. The study should consist of 80 birds in 8 experimental batteries of 10 birds each. All of the birds should be infected, with one-half of the battery birds medicated and the other half not medicated. FDA suggests that protocols be submitted together with the proposed method of statistical analysis for FDA comment before initiating the studies. FDA is providing for a clinical study rather than a bioavailability study because of the lack of adequate data concerning therapeutic blood levels of sulfonamides in poultry.

2. Sulfamerazine alone in the form of a drinking water solution or soluble powder: No NADA's for such products were filed under the provisions of § 510.450. Future sponsors of NADA's with the acceptable claims listed below should submit the results of a clinical study, as discussed in section III.B.1.

3. Sulfathiazole, sulfanilamide, and sulfapyridine: No NADA's were filed for any of these products alone for use in chickens or turkeys under the provisions of § 510.450. FDA does not have any data supporting the safe and effective use of these sulfonamides in poultry. Sponsors who desire to submit future NADA's for these products will have to submit data from adequate and well-controlled studies that meet the requirements of the act and regulations, and are advised to contact the contact person listed above.

4. Combinations of sulfamerazine, sulfamethazine, and sulfaquinoxaline: The results of a clinical study, as discussed under section III.B.1. above, should be submitted.

IV. Other Data Required for Approval of NADA's

Information required by § 514.1 concerning manufacturing facilities and controls, and stability data should be submitted by all sponsors. Sponsors of interim marketing NADA's should update information that is not current. Sponsors may be exempt from the submission of certain environmental data in accordance with § 25.1(f)(2) (21 CFR 25.1(f)(2)). Environmental impact analysis regarding manufacturing processes is required in accordance with § 25.1(g)(2) (21 CFR 25.1(g)(2)). A satisfactory freedom of information summary must be submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)).

V. Termination of Interim Marketing

This action is part of the agency's effort to terminate in an orderly and timely fashion the interim marketing privileges of drugs under § 510.450. Sponsors of such drugs must submit a statement of intent by October 3, 1984, and the data described above and revised labeling by October 7, 1985. After that time, NADA's that are deficient in one or more categories will be subject to prompt administrative action.

After the agency has reviewed the data and revised labeling submitted in response to this notice, it will publish a proposal to revoke § 510.450. FDA will take action on each NADA covered by interim marketing, and will either approve it or publish a notice of opportunity for hearing on denial of approval (21 CFR 514.111). Hearings will be held if justified. After a final rule revoking § 510.450 becomes effective, any sulfonamide-containing drug on the market intended for use in food-producing animals that is not the subject of an approved NADA will be in violation of the act and subject to regulatory action, unless covered by a statutorily provided exception to the requirement of an NADA.

VI. List of Firms Having NADA's Subject to § 510.450

The firms listed below are sponsors of NADA's for products being marketed under § 510.450. Veterinary Laboratories, Inc., submitted NADA's under its own name and has assumed the sponsorship of NADA's formerly held by Veterinary Products Corp.

1. Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322.
2. Fort Dodge Laboratories, Fort Dodge, IA 50501.
3. Franklin Laboratories, 1777 South Bellaire St., Denver, CO 80222.
4. Frank Veterinary Laboratories, 7239 Washington Ave. South, Edina, MN 55435.
5. International Multifoods Corp. (formerly Osborn Laboratories), 1200 Multifoods Bldg., 8th and Marquette Sts., Minneapolis, MN 55402.
6. Masti-Kure Products Co., Inc., 166 Yantic St., Norwich, CT 06360.
7. Medico Industries, Inc., Elkan Estates, P.O. Box 338, Elwood, KS 66024.
8. Merck Sharp & Dohme Research Laboratories, Rahway, NJ 07065.
9. M & M Livestock Products Co., Eagle Grove, IA 50533.
10. Norden Laboratories, Inc., Lincoln, NE 68501.
11. Pfizer, Inc., 235 East 42d St., New York, NY 10017, (NADA's formerly held by Rachelle Laboratories, Inc.).
12. Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502.
13. Quality Plus Products Corp., 2116 8th Ave. South, Fort Dodge, IA 50501.
14. Ralston Purina Co., Checkerboard Square, St. Louis, MO 63199.
15. Rhone-Poulenc, Inc., (formerly Hess & Clark Division of Rhodia, Inc.), P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852.
16. I. D. Russell Co. Laboratories, 2463 Harrison St., Kansas City, MO 64108.
17. Salsbury Laboratories, Charles City, IA 50616.
18. Syntex Laboratories, Inc., (Synthex/Diamond Laboratories), 3401 Hillview Dr., Palo Alto, CA 94304.
19. Vet-A-Mix Laboratories, Inc., P.O. Box 86, Shenandoah, IA 51601.
20. Veterinary Laboratories, Inc., (formerly Veterinary Products Corp.), 12340 Santa Fe Dr., Lenexa, KS 66215.
21. Vineland Laboratories, 2285 East Linder Ave., Vineland, NJ 08360.
22. Vista Laboratories, Inc., Christiansted, St. Croix, Virgin Islands.
23. Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.
24. Veterinary Laboratories, Inc., (formerly Wittney & Co.,) 4655 Colorado Blvd., Denver, CO 80216.

VII. Drug Products Containing One or More Sulfonamides

Listed below in this section are the products containing one or more of the sulfonamides within the scope of this notice, without other active ingredients, that have been reviewed by FDA, along with the claims that FDA has concluded are effective. The names of the sponsors, NADA numbers, and product names for products currently being marketed under § 510.450 are also listed. Drug products containing sulfonamides and other ingredients are listed in section VIII.

For combination drugs containing two or more sulfonamides, the acceptable disease claims are limited to those that are common to the acceptable claims for the individual sulfonamides in the combination. In the list of drug products below, a combination product appears under the heading of the individual sulfonamide in the combination product with the fewest claims.

The existing labeling of some interim-marketed products containing more than one sulfonamide does not conform to the acceptable claims for the particular combination of sulfonamides. These products are indicated with a (+) below. Sponsors may reformulate all sulfonamide-containing products that are covered by interim marketing under § 510.450. For example, sulfathiazole could be removed from a product containing sulfamerazine, sulfamethazine, sulfathiazole, and sulfaquinoxaline that is intended for use in poultry, because FDA has concluded that poultry is not an acceptable species for sulfathiazole. In the alternative, poultry could be deleted from the list of intended species. If a product is reformulated, the sponsor should submit the required information for the reformulated product within the time permitted by this notice.

If the sponsor of an NADA under § 510.450 does not agree with FDA's conclusion that reformulation or labeling changes are necessary, the sponsor should either submit complete safety and effectiveness data, as discussed above, or request a hearing on denial of approval. Sponsors of future NADA's for combination products with claims that are not limited to those that FDA has concluded are acceptable wil need to submit complete safety and effectiveness data.

A. Sulfamethazine

1. Accepted disease claims:

Species

Cattle: For the treatment of bovine respiratory disease complex (shipping fever complex) associated with *Pasteurella* spp.; bacterial pneumonia associated with *Pasteurella* spp.; nectrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum.* Colibacillosis (bacterial scours) caused by *Escherichia coli;* coccidiosis caused by *Eimeria bovis* and *E. zurnii;* acute mastitis caused by *Streptococcus* spp.; acute metritis caused by *Streptococcus* spp.

Swine: For the treatment of bacterial pneumonia associated with *Pasteurella* spp.; porcine colibacillosis (bacterial scours) caused by *Escherichia coli.*

Sheep: For the treatment of pasteurellosis caused by *Pasteurella* spp.; bacterial pneumonia associated with *Pasteurella* spp.; colibacillosis (bacterial scours) caused by *Escherichia coli.* For the control and treatment of coccidiosis caused by *Eimeria ovinoidalis (Eimeria ninakohlyakimovae).*

Chickens: For the ocntrol of infectious coryza caused by *Hemophilus gallinarum;* coccidiosis caused by *Eimeria tenella* and *E. necatrix;* acute fowl cholera caused by *Pasteurella multocida;* pullorum disease caused by *Salmonella pullorum.*

Turkeys: For the control of coccidiosis caused by *Eimeria meleagrimitis, E. adenoeides.*

Dosage

Cattle, sheep, and swine (soluble powder and drinking water solution 12.5 percent)—oral.

Cattle and sheep (bolus). Initially 1½ grain per pound body weight (equivalent to 97.2 mg per pound body weight) followed by ¾ grain per pound body weight (equivalent to 48.6 mg per pound body weight) every 24 hours. Do not exceed 5-day treatment. Dosage can be rounded to initially 100 mg per pound body weight, followed by 50 mg per pound body weight every 24 hours.

Cattle (injectable solution 25 percent). Initially 1½ grain per pound (equivalent to 97.2 mg per pound body weight) followed by ¾ grain per pound (equivalent to 48.6 mg per pound body weight) every 24, hours. Dosage can be rounded to initially 100 mg per pound body weight followed by 50 mg per pound body weight every 24 hours.

Chickens and turkeys (soluble powder). Prepare a 12.0-percent stock solution. Add 1 fluid ounce to each gallon of drinking water or one gallon of the stock solution to 128 gallons of drinking water. This will provide a recommended dosage of approximately 58 to 85 mg per pound per day of the drug in chickens and approximately 50 to 124 mg per pound per day in turkeys depending upon the dosage, age, and class of chicken or turkeys, ambient temperature, and other factors.

Indications	Control
Infectious coryza (chickens).	Medicate for 2 consecutive days.
Acute fowl cholera (chickens).	Medicate for 6 consecutive days.
Pullorum disease (chickens).	Medicate for 6 consecutive days.
Coccidiosis (turkeys and chickens).	Medicate for 2 days then reduce drug concentration to one half above 4 additional days.

Drinking Water Solution 12.5%. Add 1 fluid ounce to each gallon of drinking water or 1 gallon of drinking water solution 12.5 percent to 128 gallons of drinking water. This will provide approximately 61 to 89 mg per pound per day of the drug in chickens and approximately 53 to 130 mg per pound per day in turkeys, depending upon dosage, age, and class of chickens or turkeys, ambient temperature, and other factors.

Indications	Control
Infectious coryza	Medicate for 2 consecutive days.
Acute fowl cholera.	Medicate for 6 consecutive days.
Pullorum disease	Medicate for 6 consecutive days.
Coccidiosis	Medicate for 2 days then reduce drug concentration to one half above 4 additional days.

2. NADA numbers, sponsors, and product names for sulfamethazine alone:

NADA No.	Sponsor	Product name
48-693	Vet-A-Mix Laboratories.	Veta-Meth Tablets.
49-790	Vet-A-Mix Laboratories.	Veta-Meth Solution 12.5%.
99-846	Salsbury Laboratories.	Sodium Sulfamethazine 12½%.
99-847	Salsbury Laboratories.	Sulfamethazine Soluble Powder.
99-896	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Sulfamethazine 2.5 Gm Boluses.
99-904	Veterinary Laboratories.	Sulfamethazine Boluses 15 Grams.
99-910	Veterinary Laboratories.	Sulfamethazine Sodium Solution 25%.
99-922	Quality Plus Products.	Sulfamethazine Boluses 15 Grams.
99-923	Quality Plus Products.	Sulfamethazine Powder.
99-925	Quality Plus Products.	Sodium Sulfamethazine 12½%.
99-930	Quality Plus Products.	Sulfamethazine 2.5 Gms.
99-933	Quality Plus Products.	Sodium Sulfamethazine 12½%.
99-936	Quality Plus Products.	Sulfamethazine Boluses.
99-937	Quality Plus Products.	Quality 25% Sodium Sulfamethazine.
99-938	Quality Plus Products.	Sodium Sulfamethazine.
99-949	International Multifoods (formerly Osborn Laboratories).	Sulfamethazine.
99-953	International Multifoods Corp. (formerly Osborn Laboratories).	Metzol 25%.
99-956	International Multifoods Corp. (formerly Osborn Laboratories).	Sodium Sulfamethazine.
99-962	Masti-Kure Products Co., Inc.	Sulfamethazine Bolus.
99-969	Quality Plus Products Corp..	Sulfamethazine Sodium Injectable.
99-977	Quality Plus Products Corp..	Sulfamethazine Boluses 5 Grams.
99-998	Vineland Laboratories.	Liquid Vimethazine—25.
100-006	Medico Industries, Inc.	SM-25 Solution.
100-011	Medico Industries, Inc..	SM-25, 25% Solution Sulfamethazine Sodium.
100-014	Medico Industries, Inc.	Sodium Sulfamethazine 12½%.
100-024	Veterinary Laboratories, Inc. (formerly Wittney & Co.).	Sulfamethazine Sulfa Solution 25%.
100-028	Vineland Laboratories.	Vimethazine.
100-071	Frank Veterinary Laboratories.	Frank Sodium Sulfamethazine.
100-095	Wendt Laboratories, Inc.	Sulfamethazine Boluses.
100-126	Vista Laboratories, Inc.	Sulfamethazine Boluses.
100-177	Wendt Laboratories, Inc.	SM-25 Per Cent.
100-179	I. D. Russell Co. Laboratories.	Sodium Sulfamethazine 25 percent.
100-255	Pfizer, Inc.	Sodium Sulfamethazine.

B. Sulfathiazole

1. Acceptable disease claims:

Species

Cattle: For the treatment of bovine respiratory disease complex (shipping fever complex) associated with *Pasteurella* spp.; bacterial pneumonia associated with *Pasteurella* spp.; calf diphtheria and necrotic pododermatitis (foot rot) caused by *Fusobacterium necrophorum;* acute mastitis and acute metritis caused by *Streptococcus* spp.

Swine: For the treatment of bacterial pneumonia caused by *Pasteurella* spp.; porcine colibacillosis (bacterial scours) caused by *Escherichia coli.*

Dosage

Oral—Drinking Water Solution and Soluble Powder.

Cattle and swine: 1½ grain per pound body weight (equivalent to 97.2 mg per pound body weight) per day for 4 days. Do not exceed 4 days' treatment.

Cattle Boluses—Initially 1 grain per pound body weight (equivalent of 64.8 mg per pound body weight) followed by ½ grain per pound body weight (32.4 mg per pound body weight) every 8 hours. Do not exceed 4 days' treatment.

Cattle and swine: Mixtures (two or three) of sulfathiazole, sulfamethazine, or sulfamerazine:

Initially 1 grain per pound body weight (equivalent to 64.8 mg per pound body weight) followed by ½ grain per pound body weight (equivalent to 32.4 mg per pound body weight) every 12 hours. Do not exceed 4 days' treatment.

2. NADA numbers, sponsors, and products containing sulfathiazole alone or in combination with other sulfa products:

NADA. No.	Sponsor	Product name
93-026	Syntex Laboratories/ Diamond Laboratories.	Extra-Sul Boluses. Sulfamethazine sodium. Sulfathiazole sodium.
93-027	Syntex Laboratories/ Diamond Laboratories.	Extra-Sul Solution. Sulfamethazine sodium. Sulfathiazole sodium.
93-028	Syntex Laboratories/ Diamond Laboratories.	Extra-Sul Powder. Sulfamethazine sodium. Sulfathiazole sodium.
99-848	Salsburg Laboratories.	Sulfathiazole sodium sesquihydrate.
99-855	Salsburg Laboratories.	Ar-Sulfa Soluble Powder.
99-857	Salsburg Laboratories.	Sodium Sulfathiazole. Soluble Powder.
99-875	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Bi-Sulfa Boluses Improved. Sulfamethazine. Sulfathiazole.
99-886	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Triple Sulfa Solution 12%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium.
+ 99-920	Quality Plus Products.	Triple Sulfa. Sulfamerazine sodium. Sulfathiazole sodium. Sulfamerazine sodium.
99-927	Quality Plus Products.	Bi-Sulfa Boluses. Sulfamerazine. Sulfathiazole.
99-932	Quality Plus Products.	Sulfathiazole Boluses.
99-941	Franklin Laboratories.	Triple Sulfa 25. Sulfamethazine sodium.

NADA No.	Sponsor	Product name
		Sulfathiazole sodium. Sulfamerazine sodium.
99-944	Franklin Laboratories.	Tri-Sulfa Boluses Improved. Sulfamethazine. Sulfathiazole. Sulfamerazine.
99-947	International Multifoods (formerly Laboratories).	S.G. Seven. Sulfamethazine. Sulfathiazole. Sulfamerazine.
+99-952	International Multifoods (formerly Laboratories).	TS 543. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium.
99-959	Fort Dodge Laboratories.	Soxifour 12.5% Sulfamethazine. Sulfathiazole. Sulfamerazine.
99-975	Quality Plus Products.	Sulfathiazole Sodium N.F.
99-985	Norden Laboratories.	Sulfatose Parenteral. Sulfonomide Solution. Sulfamethazine. Sulfathiazole.
99-993	Philips Roxane, Inc.	Anchor Sol-Thiazole. Sodium sulfathiazole
99-996	Syntex Laboratories/ Diamond Laboratories.	Extra-Sul Powder. Sulfamethazine sodium. Sulfathiazole sodium.
99-999	Medico Industries, Inc.	Sodium Sulfathiazole.
100-010	Medico Industries, Inc.	Thi-Meth Boluses. Sulfamethazine. Sulfathiazole.
100-019	International Multifoods (formerly Osborn Laboratories).	Sodium Sulfathiazole N.F.
100-023	Rhone-Poulenc, Inc.	Sul-Trol-E.
100-025	Veterinary Laboratories, Inc. (formerly Wittney & Co.).	Tri-Sul 2 MT. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium.
100-089	Wendt Laboratories Inc.	Trisul I Boluses. Sulfamethazine. Sulfathiazole. Sulfamerazine.
+100-091	Wendt Laboratories, Inc.	Triple Sulfa Solution 24%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium.
100-099	Vineland Laboratories.	Thiazole-Sodium. Sulfathiazole sodium.
100-101	Wendt Laboratories, Inc.	Sulfathiazole Boluses.
100-117	Vista Laboratories ...	Thiazole-Sodium. Sulfathiazole sodium.
100-162	MSD A G VET (Division of Merck & Co., Inc.).	Sul-Thi-Zol. Sulfathiazole sodium.

C. Sulfaquinoxaline

1. Acceptable disease claims:

Species

Sulfaquinoxaline in drinking water or as a drench for cattle and sheep and in drinking water for chickens, turkeys, and rabbits:

Cattle: For the control and treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii.*

Sheep: For the control and treatment of coccidiosis caused by *Eimeria ovinoidalis (Eimeria ninakohlyakimovae).*

Chickens: For the control of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima,* and *E. brunetti.*

Turkeys: For the control of coccidiosis caused by *Eimeria meleagrimitis* and *E. adenoeides.*

Chickens and turkeys: For the control of acute fowl cholera caused by *Pasteurella multocida* and fowl typhoid caused by *Salmonella gallinarum.*

Rabbits: For the control of coccidiosus caused by *Eimeria stiedae.*

Pheasants and quails: For the control of acute fowl cholera caused by *Pasteurella multocida.*

Dosage

Sulfaquinoxaline 20 percent solution and sulfaquinoxaline 25 percent soluble powder.

Coccidiosis	Control
Chickens (0.04) percent) (0.025 percent).	Give for 2 to 3 days, skip 3 days, then give for 2 more days. If bloody droppings appear, repeat treatment at this level for 2 more days.
Turkeys (0.025 percent).	Give for 2 days, skip 3 days, give for 2 days, skip 3 days, and give 2 more days. Repeat if necessary.
Acute fowl cholera in chickens, turkeys, pheasants, and quail and *fowl typhoid* in chickens and turkeys (0.04 percent).	Use for 2 to 3 days. Move birds to clean ground. If disease recurs, repeat treatment.

Coccidiosis	Control and treatment
Cattle and feed-lot lambs (0.015 percent).	Give for 3 to 5 days. (Equivalent to 6 mg per pound body weight.)

MEDICATED PREMIX

[Concentration in finished feed]

Coccidiosis	Control
Turkeys	0.05 percent for 2 days, follow with 3 days on regular feed and 2 more days on 0.05 percent sulfaquinoxaline feed, again follow with 3 days on regular feed and 2 more days on 0.05 percent sulfaquinoxaline feed. Continue this schedule if necessary until all signs of the outbreak have subsided.
Chickens	0.1 percent for first 48 to 72 hours, skip 3 days; 0.05 percent for 2 days, skip 3 days; 0.5 percent for 2 days. This is a 2-3-2-3-2 schedule. If bloody droppings recur, give 0.05 percent for another 2 days.
Rabbits	0.1 percent for 2 weeks.

MEDICATED PREMIX—Continued

[Concentration in finished feed]

Coccidiosis	Control
Acute fowl cholera and fowl typhoid in chickens and turkeys.	0.1 percent for 48 to 72 hours. Mortality should be brought under control. After medication, move birds to clean ground or to a clean house. If disease recurs, use 0.05 percent in feed again for 2 days.

2. NADA numbers, sponsors, and product names for sulfaquinoxaline alone or in combination with other sulfa products:

NADA No.	Sponsor	Product name
99-867	Salsbury Laboratories.	Sulfquin-40 Medicated Premix.
99-897	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Sulquix 333.
99-928	Quality Plus Products.	Sulfaquinoxaline 3.2%.
99-071	Quality Plus Products.	Sulfaquinoxaline Boluses—16 Grams.
99-974	Quality Plus Products.	Sulfaquinoxaline 20% concentrate.
99-978	Quality Plus Products.	Triple Sulfa for Poultry. Sulfamerazine sodium. Sulfamethazine sodium. Sulfaquinoxaline sodium.
100-017	International Multifoods (formerly Osborn Laboratories).	Bovo-Cox Calf Size Boluses. Sulfaquinoxaline.
100-020	International Multifoods (formerly Osborn Laboratories).	Bovo-Cox Boluses. Sulfaquinoxaline.
100-021	International Multifoods (formerly Osborn Laboratories).	Bovo-Cox Powder. Sulfaquinoxaline.
100-022	Rhone Poulenc, Inc. (formerly Hess & Clark).	20% Sulfaquinoxaline Solution.
100-029	Vineland Laboratories.	20% Sulfa-Pol Liquid Concentrate. Sulfamerazine. Sulfamethazine. Sulfaquinoxaline.
100-094	I. D. Russell Co.	Russell Triple Sulfa. Sulfamerazine sodium. Sulfamethazine sodium. Sulfaquinoxaline sodium.
100-129	I. D. Russell Co	Liquid Sul-Q-Nox 3.2%. Sulfaquinoxaline.
+100-174	I. D. Russell Co	K-Quad Sulfa, Feed Mixture. Sulfamerazine. Sulfamethazine. Sulfathiazole. Sulfaquinoxaline.
100-175	I. D. Russell Co	Liquid Sul-Q-Nox 3.2% and 20% Sulfaquinoxaline.
100-176	I. D. Russell Co	Liquid Sul-Q-Nox 34.44%. Sulfaquinoxaline.

D. Sulfamerazine

1. Acceptable disease claims:

Species

Cattle: for the treatment of bovine respiratory disease complex (shipping fever complex) associated with *Pasteurella* spp.; bacterial pneumonia associated with *Pasteurella* spp.;

colibacillosis caused by *Escherichia coli;* necrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum;* coccidiosis caused by *Eimeria bovis* and *E. zurnii.*

Sheep: For the treatment of bacterial pneumonia associated with *Pasteurella* spp.; colibacillosis caused by *Escherichia coli.*

Swine: For the treatment of bacterial pneumonia associated with *Pasteurella* spp.; colibacillosis caused by *Escherichia coli.*

Chickens: For the control of infectious coryza caused by *Hemophilus gallinarum;* coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* acute fowl cholera caused by *Pasteurella multocida;* pullorum disease caused by *Salmonella pullorum;* fowl typhoid caused by *Salmonella gallinarum.*

Turkeys: For the control of coccidiosis caused by *Eimeria adenoeides* and *E. meleagrimitis;* acute fowl cholera caused by *Pasteurella multocida;* fowl typhoid caused by *Salmonella gallinarum.*

Dosage—Orally

Cattle, sheep, and swine: Initially 1 grain per pound body weight (equivalent to 64.8 mg per pound body weight) followed by ½ grain per pound body weight every 12 hours. Do not exceed 4 days' treatment.

Chicken and turkeys: 0.1 to 0.2 percent concentration in soluble powder or drinking water solution. Do not exceed 4 days' treatment.

2. NADA number, sponsor, and product name:

NADA No.	Sponsor	Product name
100-008	Wendt Laboratories.	Double-M-12.5 percent Solution. Soduim sulfamethazine. Soduim sulfamethazine.

E. Sulfaryridine

1. Acceptable disease claims:

Species

Cattle: For the treatment of necrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum;* bacterial pneumonia caused by *Pasteurella* spp.

Dosage—Orally and injectable

Initially 1 grain per pound body weight (equivalent to 64.8 mg per pound body weight) followed by ½ grain per pound body weight (equivalent to 32.4 mg per pound body weight) every 12 hours. Do not exceed 4 days' treatment.

2. NADA numbers, sponsors, and product names for sulfapyridine alone or in combination with other sulfa products.

NADA No.	Sponsor	Product name.
99-854	Philips Roxane, Inc.	Anchor Tri-Sulfa Injectable 24%. Sulfamethazine sodium. Sulfamathiazole sodium. Sulfapyridine sodium.
99-905	Veterinary Laboratories, Inc.	Oral Triple Sulfa Solution 26%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
99-906	Veterinary Laboratories, Inc.	Triple Sulfa 160 Boluses. Sulfamethazine. Sulfathiazole. Sulfapyridine.
99-908	Veterinary Laboratories, Inc.	Sulfa-Triple No. 4. Sulfamerazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
99-909	Veterinary Laboratories, Inc.	Sulfapyridine Solution.
99-111	Veterinary Laboratories, Inc.	Triple Sulfa Boluses-80. Sulfamethazine. Sulfathiazole. Sulfapyridine.
99-912	Veterinary Laboratories, Inc.	Tri-Sulfa Solution No. 8. Sulfamethazine sodium. Sulfdathiazole sodium. Sulfapyridine sodium.
+99-913	Veterinary Laboratories, Inc.	Oral Tri-Sulfa Solution 13%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
99-914	Veterinary Laboratories, Inc.	Sulfapyridine-480.
99-915	Veterinary Laboratories, Inc.	Sulfapyridine Boluses.
99-921	Quality Plus Product Corp.	Triple Sulfa-80. Sulfamethazine. Sulfathiazole Sulfapyridine.
99-935	Quality Plus Products Corp.	Sulfapyridine Boluses.
99-976	Quality Plus Products Corp.	Sulfapyridine Solution 12%.
99-979	Quality Plus Products Corp.	Triple Sulfa 4 Injectable. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
+99-980	Quality lus Products Corp.	Triple Sulfa Solution—8 Oral. Sulfarnethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
99-982	Quality Plus Products Corp.	Oral Triple Sulfa Solution 12%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
99-986	Norden Laboratories, Inc.	Tri-Sulfa G. Sulfamethazine Sulfathiazole Sulfapyridine.
+99-991	Philips Roxane, Inc.	Anchor Triple Sulfa Solution 12.2%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
100-002	Wendt Laboratorieis, Inc.	Neutral Sulfa-7. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
100-004	Medico Industries, Inc.	Triple Sulfa Injectable 12%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
100-007	Medico Industries, Inc.	Triple Sulfa Injectable 24%. Sulfarnethazine sodium. Sulfathizole sodium. Sulfapyridine sodium. Sulfapyridine sodium.
100-013	Medico Industries, Inc.	Sulfapyridine Boluses.
100-070	Frank Veterinary Laboratories.	Frank Triple Sulfa Solution (INJ). Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
100-072	Frank Veterinary Laboratories.	Frank Triple Sulfa Solution Oral 12%. Sulfamethazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.
+100-092	Wendt Laboratories, Inc.	Oral Triple Sulfa Solution 12%. Sulfamethazine. Sulfathiazole. Sulfapyridine.
100-096	Wendt Laboratories, Inc.	Neutral Sulfa-50 Solution. Sulfamethazine. Sulfathiazole. Sulfapyridine.
100-100	Wendt Laboratories, Inc.	Trisul II Boluses. Sulfamethazine. Sulfathiazole. Sulfapyridine.
100-102	Wendt Laboratories, Inc.	Sulfapyridine Boluses.
100-178	Wendt Laboratories, Inc.	Sulfa-Plex Triple Sulfa Solution Oral 12.5%. Sulfamerazine sodium. Sulfathiazole sodium. Sulfapyridine sodium.

F. Sulfanilamide

1. Acceptable disease claims:

Species

Cattle: For the treatment of bovine respiratory disease complex (shipping fever complex) associated with *Pasteurella* spp.; bacterial pneumonia associated with *Pasteurella* spp.; acute metritis caused by *Streptococcus* spp.; acute mastitis caused by *Streptococcus* spp.

Dosage—Orally

Cattle: Initially 1 grain per pound body weight (equivalent to 64.8 mg per pound body weight) followed by ½ grain per pound body weight (equivalent to 32.4 mg per pound body weight) every 12 hours. Do not exceed 4 days' treatment.

2. NADA numbers, sponsors, and products names for sulfanilamidie alone or in combination with other sulfa products.

NADA No.	Sponsor	Product name
99-851	Salsbury Laboratories.	Sulfanilamide.
99-861	Salsbury Laboratories.	Sulfanilamide Boluses.
99-870	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Tri-Mera Bolus. Sulfanilamide. Sulfathiazole. Sulfamerazine.

NADA No.	Sponsor	Product name
99-880	Veterinary Laboratories, Inc. (formerly Vet Products Corp.).	Tri-Metha-Bolus. Sulfanilamide. Sulfathiazole. Sulfamethazine.
99-931	Quality Plus Products Corp.	Sulfanilamide.
99-934	Quality Plus Products Corp.	Triple Sulfa Boluses. Sulfanilamide. Sulfathiazole. Sulfamethazine.
99-972	Quality Plus Products Corp.	Sulfanilamide Boluses.
99-990	Philips Roxane, Inc.	Triple Sulfa Bolus. Sulfanilamide. Sulfathiazole. Sulfamethazine.
100-123	Vista Laboratories, Inc.	Triple Sulfa Bolus. Sulfanilamide. Sulfathiazole. Sulfamethazine.

VIII. Combination Drug Products Containing Sulfonamides and Other Ingredients

A. Additional Data Requirements

In additional to the data requirements stated above, sponsors of NADA's for sulfonamides combined with nonsulfonamide drugs, antibiotics, nutrients, or urea must submit complete human food and animal safety and effectiveness data tha meet current standards, as required by § 514.1. The product must meet the combination drug policy set forth in § 514.1(b)(8)(v), except that if the product contains more than one sulfonamide, the mixture of sulfonamide may be considered as one drug for purpose of applying the combination policy. In the alternative, sponsors may request a hearing on denial of approval.

The only exception to the data requirements stated in the immediately preceding paragraph is for products intended for use in drinking water and containing only sulfonamides combined with nutrient components. These products are indicated with an asterisk (*). Sponsors need not comply with the combination drug policy or current human food safety requirements if they comply with the following limitations: Sponsors must demonstrate lack of interference between the nutrients and the drug ingredients. No direct or implied claims for nutrients will be permitted and the trade name of the product may not include the name of such nutrients. Products must bear the followng statement on the label: "The nutrients in this product serve a limited nutritional function only; they have not been shown to have and are not intended to impart any direct therapeutic benefit". Disease claims for these products must be limited to the acceptable claims listed in section VII above under the particular sulfonamide product, or in the case of products containing two or more sulfonamides, to those acceptable claims that are common to the individual sulfonamides in the mixture.

FDA has reviewed available data concerning the use of sulfonamide drugs in combination with urea and acriflavine for intrauterine administration in cattle, sheep, and swine and has concluded that available data do not support any claims for use in such products. There are no approved NADA's for these products. About 10 NADA's for these products were filed under the provisions of § 510.450. In lieu of attempting to substantiate the safe and effective use of these products, sponsors may elect to request a hearing on the denial of approval or may withdraw their applications.

B. New Animal Drugs Containing Sulfonamides in Combination With Nutrients or Other Drugs

The following new animal drugs containing sulfonamides in combination with nutrients or other drugs are now being marketed under § 510.450:

NADA No.	Sponsor	Product name
*99-790	Philips Roxane, Inc.	Anchor Isolite Drinking Water Medication. Sulfathiazole sodium. Vitamin A. Vitamin D_3. Ethylenediamine dihydroiodide. Potassium chloride. Calcium gluconate. Sodium bicarbonate. Ferrous sulfate. Zinc sulfate. Cobalt sulfate monohydrate. Manganese sulfate monohydrate. Copper sulfate pentahydrate. Calcium hypophosphite. Magnesium sulfate. Sodium chloride.
*99-842	Cadco, Inc.	Sulfa-Lites Medicated. Sulfathiazole sodium. Calcium chloride. Magnesium sulfate. Potassium chloride. Sodium chloride.
*99-843	Salsbury Laboratories.	Hog & Cattle Sulfa with Vitamins, Electrolytes, and EDDI. Sulfathiazole sodium sesquihydrate. Ethylenediamine dihydroiodide. Potassium chloride. Sodium chloride. Sodium carbonate. Vitamin A. Vitamin D_3.
*99-844	Salsbury Laboratories.	Hog & Cattle Sulfa. Sulfathiazole sodium sesquihydrate. Ethylenediamine dihydroiodide. Potassium chloride. Sodium chloride. Sodium carbonate monohydrate.
+*99-845	Salsbury Laboratories.	Triple-Sulfa Solution with Electrolytes. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium. Potassium hydroxide. Sodium hydroxide. Potassium chloride. Sodium chloride. Calcium gluconate.
*99-849	M & M Livestock Products Co.	Sulfaton Premix. Sulfanilamide. Sulfathiazole. Sulfamerazine. Sulfaquinoxaline. Vitamin A palmitate. *D*-activated animal sterol (source of Vitamin D_3). Riboflavin. *D*-Calcium pathothenate. Niacin. Choline chloride. Vitamin B_{12}. Copper oxide. Iron oxide. Manganous oxide. Zinc oxide. Sodium bicarbonate, cobalt carbonate, and potassium iodide.
*99-850	M & M Livestock Products Co.	M & M V 175. Sulfathiazole sodium. Vitaman A (palmitate). Vitamin D_3. Riboflavin. Niacin. Pantothenic acid. Vitamin B_{12}.
+*99-853	Salsbury Laboratories.	Triple Sulfa Soluble Powder. Sulfamethazine sodium. Sulfamerazine sodium. Sulfathiazole sodium. Vitamin A. Vitamin D_3. Calcium lactate. Magnesium sulfate. Potassium chloride. Sodium chloride.
*99-856	Salsbury Laboratories.	Hog and Cattle Sulfa with Vitamins and Electrolytes. Sulfathiazole sodium sesquihydrate. Potassium chloride. Sodium carbonate. Vitamin A. Vitamin D_3.
*99-859	Vet-A-Mix	Sulectro-Sol-One. Sulfathiazole sodium. Potassium. Sodium present as carbonate, chlorides, cirtate, and bicarbonate.
99-862	Salsbury Laboratories.	SM-15 Sulfa Boluses with Electrolytes. Sulfamethazine. Sodium. Potassium. Calcium. Magnesium. Chloride.
99-863	Salsbury Laboratories.	90-90-60 Sulfa Boluses with Electrolytes. Sulfathiazcle. Sulfanilamide. Sulfamethazine. Calcium. Chloride. Magnesium. Potassium. + Sodium
99-864	Salsbury Laboratories.	T-M-P-60 Boluses with Electrolytes. Sulfathiazole. Sulfamethazine. Sulfapyridine. Calcium. Chloride. Magnesium.

NADA No.	Sponsor	Product name
		Potassium. Sodium.
99-865	Salsbury Laboratories.	Triple Sulfa Boluses with Electrolytes. Sulfathiazole. Sulfamethazine. Sulfanilamide. Calcium. Chloride. Magnesium. Potassium. Sodium.
99-868	Veterinary Laboratories, Inc. (formerly Vet Product Corp.).	Sulfa-Urea Bolus. Urea. Sulfanilamide. Sulfathiazole.
99-872	Veterinary Laboratories, Inc. (formerly Vet Product Corp.).	Uterine Boluses with Acriflavine. Urea. Sulfanilamide. Sulfathiazole. Acriflavine.
99-907	Veterinary Laboratories, Inc.	Sulfathiazole Uterine Bolus. Sulfathiazole. Urea.
+*99-917	Quality Plus Products Corp.	Vi-Sul-Lyte. Sulfathiazole sodium. Sulfamethazine sodium. Sodium, potassium, magnesium, calcium, chlorides, sulfates, and trace elements, iron, cobalt, zinc, copper, and manganese. Vitamin A palmitate. Vitamin D. Riboflavin. Niacinamide. Vitamin B. Ethylenediamine dihydroiodide.
99-918	Quality Plus Products Corp.	Uterine Boluses. Urea. Sulfanilamide. Sulfathiazole.
99-919	Quality Plus Products Corp.	Sulfapyridine-Iodine Boluses. Sulfapyridine. Ethylenediamin dihydroiodide.
99-924	Quality Plus Products Corp.	Uterine Boluses with Acriflavine. Urea. Sulfathiazole. Sulfanilamide.
99-929	Quality Plus Products Corp.	Triple Sulfa 80 with Electrolytes. Sulfamerazine. Sulfathiazole. Sulfamethazine. Calcium chloride. Sodium chloride. Potassium chloride. Magnesium chloride.
*99-933	Quality Plus Products Corp.	Sodium Sulfamethazine 12.5%. Sodium sulfamethazine. Sodium hydroxide. Sodium chloride. Sodium bicarbonate. Potassium chloride. Calcium gluconate and magnesium chloride.
99-939	Franklin Laboratories.	Cattle Scour Boluses. Neomycin sulfate. Sulfamethazine. Pectin. Vitamin A. Vitamin D_3. Attapulgite.
*99-940	Ralston Purina Co.	Purina Electro-zole. Sulfathiazole sodium. Sodium chloride. Sodium iodide. Potassium chloride.
99-942	Franklin Laboratories.	Bacterial Pneumonia Bolus. Sulfamethazine. Ethylenediamine dihydroiodide. Chloride salts of sodium.
		Calcium. Magnesium. Potassium. Trace minerals of iron, cobalt, copper, magnesium, and zinc.
99-943	Franklin Laboratories.	Bacterial Scour Boluses. Sulfamethazine. Neomycin. Homatropine methylbromide. Attapulgite activated.
99-945	Franklin Laboratories.	Foot Rot Boluses. Sulfapyridine. Ethylenediamine dihydroiodide.
99-946	Franklin Laboratories.	Calf Bacterial Scour Treatment Solution. Cattle Scour Treatment Solution Sulfamethazine. Neomycin. Kaolin. Pectin. Bismuth subcarbonate. Homatropine methylbromide.
+*99-948	International Multifoods Corp. (formerly Osborn Laboratories).	Hubbard Triple Sulfa Solution Sulfathiazole sodium. Sulfamethazine sodium. Sufamerazine sodium. Potassium. Sodium. Magnesium. Calcium and chloride.
99-950	International Multifoods Corp. (formerly Osborn Laboratories).	Triple Sulfa-888 Boluses. Sulfamethazine. Sulfathiazole. Sulfamerazine. Electrolytes.
99-951	International Multifoods Corp. (formerly Osborn Laboratories).	Metzol Boluses. Sulfamethazine. Electrolytes.
+*99-954	International Multifoods Corp. (formerly Osborn Laboratories).	Triple Sulfa with Electrolytes. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium. Sodium, potassium, magnesium, calcium, and chloride.
99-955	International Multifoods Corp. (formerly Osborn Laboratories).	Methapyrin-Stress Formula. Sulfamethazine. Neomycin. Pyrilamine maleate. Methylatropine nitrate. Vitamin A palmitate. Sodium acetate. Potassium acetate. Potassium chloride.
99-957	International Multifoods Corp. (formerly Osborn Laboratories).	Metzol Calf Size Boluses. Sulfamethazine. Electrolytes.
99-958	International Multifoods Corp. (formerly Osborn Laboratories).	Triple Sulfa-699 Boluses. Sulfamethazine. Sulfathiazole. Sulfanilamide. Electrolytes.
99-960	Masti-Kure Products Co., Inc.	Triple Sulfa Tablets with Electrolytes. Sulfamethazine. Sulfathiazole. Sulfanilamide. Sodium bicarbonate. Sodium chloride. Potassium chloride. Calcium diabasic phosphate.
99-961	Masti-Kure Products Co., Inc.	Sulfa Urea Bolus Formula 109. Sulfanilamide. Sulfathiazole. Urea.
99-963	Masti-Kure Products Co., Inc.	Scour-Out for Baby Pigs. Neomycin sulfate. Sulfamethazine.
99-964	Masti-Kure Products Co., Inc.	Homatropine methybromide. Kaolin and psyllium. MKP Masti-Kure Insertory Formula 206 A. Nitrofurazone. Sulfathiazole. Sulfamethazine. Urea.
99-965	Masti-Kure Products Co., Inc.	Triple Sulfa Bolus with Electrolytes Formula 127. Sulfanilamide. Sulfathiazole. Sulfamethazine. Sodium. Potassium. Chloride. Calcium.
99-966	Masti-Kure Products Co., Inc.	Kendall Calf Scours Tablets Formula 115. Neomycin base. Sulfamethazine. Kaolin. Niacinamide. Vitamin A. Vitamin D.
99-967	Masti-Kure Products Co., Inc.	MKP Giant Liquid-100 Formula 260. Neomycin sulfate. Sulfamethazine. Attapulgite. Pectin.
99-968	Masti-Kure Products Co., Inc.	Masti-Kure Kalf-Caps Formula 148. Neomycin sulfate. Sulfamethazine. Kaolin. Pectin.
*99-970	Quality Plus Products Corp.	Sulyte Powder. Sodium sulfathiazole. Sodium. Potassium. Calcium. Magnesium. Chloride. Ethylenediamine dihydroiodide.
+*99-981	Quality Plus Products Corp.	Triple Sulfa with Electrolytes. Sulfathiazole sodium. Sulfamerazine sodium. Sulfamethazine sodium. Potassium. Calcium. Magnesium. Sodium. Chloride. Gluconate. Bicarbonate.
*98-983	Vineland Laboratories.	Triple Sulfa with Electrolytes. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium. Sodium. Potassium. Calcium. Magnesium as chloride, carbonate, sulfate, and lactate, plus trace amount of cobalt, zinc, copper, manganese, and iron.
99-984	Norden Laboratories, Inc.	Sulfa-Urea Bolets. Sulfanilamide. Sulfathiazole. Urea.
99-987	Norden Laboratories, Inc.	Sulkamycin-S Bolettes. Sulfamethazine. Neomycin.
99-988	Norden Laboratories, Inc.	Sulkamycin-S Powder. Sulfamethazine. Neomycin sulfate.
99-989	Philips Roxane, Inc.	Anchor Sulfa Urea Boluses. Urea. Sulfanilamide. Sulfathiazole.
99-992	Philips Roxane, Inc.	Anchor Uterine-Care Boluses. Sulfanilamide. Urea.

NADA No.	Sponsor	Product name
100-001	Medico Industries, Inc.	TMP-160 Improved Boluses. TMP-80 Improved Boluses. Sulfathiazole. Sulfamethazine. Sulfapyridine. Calcium chloride. Magnesium. Potassium. Sodium.
+*100-003	Wendt Laboratories, Inc.	Merasul Soluble Powder. Sulfamerazine sodium. Sulfathiazole sodium. Vitamin A palmitate. Ethylenediamine dihydroiodide. Sodium acetate. Sodium chloride. Potassium chloride. Magnesium sulfate. Calcium lactate.
+*100-005	Medico Industries, Inc.	Medisol Soluble Powder. Sulfamerazine sodium. Sulfathiazole sodium. Ethylenediamine dihydroiodide. Vitamin A palmitate. Postassium acetate. Sodium acetate. Sodium chloride. Potassium chloride. Magnesium sulfate. Calcium lactate.
100-009	Medico Industries, Inc.	SM-30 Boluses. SM-5 Boluses. SM-30 Boluses. Sulfamethazine. Sodium. Potassium. Calcium. Magnesium. Chloride ions.
100-012	Medico Industries, Inc.	Sul-Neo-Vet (Calf Scour Bolus). Neomycin. Sulfamethazine. Sulfathiazole. Atropine. Vitamin A.
100-015	Medico Industries, Inc.	Triple Sulfa Improved Boluses. Sulfathiazole. Sulfamethazine. Sulfamerazine. Calcium. Chloride. Magnesium. Potassium. Sodium.
100-016	International Multifoods Corp. (formerly Osborn Laboratories).	Methapyrin Boluses. Sulfamethazine. Neomycin. Pyrilamine maleate. Methylatropine Nitrate. Vitamin A. Electrolytes.
*100-018	International Multifoods Corp. (formerly Osborn Laboratories).	Supersweet-Sulyte. Sulfathiazole sodium. Ethylenediamine dihydroiodide. Sodium. Potassium. Calcium. Magnesium. Iron as chlorides plus trace minerals and vitamins.
*100-027	Vineland Laboratories.	Sulfa-Pol-Plus TA Soluble Concentrate. Sulfamethazine sodium. Sulfamerazine sodium. Sulfaquinoxaline sodium. Thiamine hydrochloride. Vitamin A palmitate.
*100-030	Cadco, Inc.	12½% Liquid Sulfamethazine. Sulfamethazine sodium. Potassium. Sodium. Calcium. Magnesium.
+*100-031	Cado, Inc.	Triple Sulfa Solution with Electrolytes. Sulfamethazine sodium. Sulfathiszole sodium. Sulfamerazine sodium. Sodium hydroxide. Sodium chloride. Sodium bicarbonate. Potassium chloride Calcium gluconate. Magnesium chloride.
+*100-090	Wendt Laboratories, Inc.	Trisul Drinking Water Solution. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium. Sodium hydroxide, sodium chloride, sodium bicarbonate, potassium chloride, calcium chlorides, and magnesium sulfate.
100-097	Wendt Laboratories, Inc.	Sulfa-Urea Boluses. Sulfathiazole. Sulfamethazine. Urea.
*100-098	Vineland Laboratories.	Triple Sulfa with Electrolytes. Sulfamethazine sodium. Sulfathiazole sodium. Sulfamerazine sodium. Sodium. Potassium. Calcium. Magnesium. Iron occurring as a chloride, carbonate, sulfate, phosphate, and lactate plus trace of cobalt, zinc, copper, and manganese.
100-118	Vista Laboratories, Inc.	Sulfamethazine Boluses with Electrolytes. Sulfamethazine. Potassium. Calcium. Magnesium. Sodium. Trace elements, cobalt, zinc, manganese, copper, and iron.
100-122	Vista Laboratories, Inc.	Triple sulfa Boluses with Electrolytes. Sulfanilamide. Sulfathiazole. Sulfamethazine. Potassium, calcium, magnesium sodium and elements, cobalt, zinc, manganese, copper, and iron.
*100-180	International Multifoods Corp. (formerly Osborn Laboratories).	Mer-A-Lite Soluble Powder. Sulfathiazole sodium. Potassium acetate. Sodium acetate. Sodium chloride. Potassium chloride. Magnesium sulfate. Calcium lactate.
100-181	International Multifoods Corp. (formerly Osborn Laboratories).	Med-A-Sul. Sodium sulfathiazole. Sodium arsanilate anhydrous. Vitamin A (as palmitate). Vitamin D_3. Menadione sodium bisulfite. Calcium pantothenate. Niacin. Riboflavin. Thiamine hydrochloride. Ethylenediamine dihydroiodide. Potassium acetate. Sodium acetate. Sodium chloride. Potassium chloride. Magnesium sulfate and calcium lactate.
*100-182	Cadco, Inc.	Hubbard Sulfa Stress Formula. Soluble powder. Sulfathiazole sodium. Sodium. Potassium. Calcium. Magnesium. Iron occurring as chloride, carbonate, sulfate, phosphate, and gluconate plus trace amounts of cobalt, copper, zinc, and manganese. Ethylenediamine dihydroiodide. Vitaimin A palmitate. Vitamin D_3.

IX. Conclusion

This notice informs sponsors of NADA's for sulfonamide products covered by interim marketing under § 510.450 of the information needed for approval of those NADA's After the end of the time period for submitting that information, FDA will take action to conclude in an orderly and timely fashion the interim marketing of sulfonamide products. FDA will either approve interim-marketing NADA's or publish notices of opportunity for hearing on denial of approval.

This notice also informs future sponsors of NADA's for sulfonamide products within the scope of this notice of the data needed to support approval. Sponsors who do not now have interim marketing privileges under § 510.450 may not market products until they have fully approved NADA's.

Dated: June 20, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-17707 Filed 7-3-84; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-84-1178, FR-1656]

Property Improvement and Manufactured Home Loan Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: The proposed regulations codify, restate and reorganize the present regulations published in 24 CFR Part 201 which implement Title I,

Section 2 of the National Housing Act relating to loan insurance for property improvement loans and for manufactured home loans. The proposed rule: (1) Eliminates unnecessary or duplicative material; (2) uses a topical, chronological approach; (3) standardizes, where possible, a variety of terms, concepts, and procedures; (4) implements recent statutory changes; (5) implements Departmental proposals and industry recommendations for program changes; and (6) enhances fiscal soundness of the program. HUD proposes to accomplish these objectives by requiring improved lender origination and servicing practices, further protecting the value of the property as security on an insured loan, and updating requirements and procedures relating to the loan and note provisions, eligibility and disbursement requirements, loan insurance, loan administration, and default and claims procedures.

DATE: Comments must be received by August 20, 1984.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or data regarding the proposed rule 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. A copy of each communication submitted will be available for public inspection during regular business hours at the above address. The rules may be changed on the basis of comments received.

FOR FURTHER INFORMATION CONTACT: William Halpern, Director, Title I Insurance Division, Room 9160, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-6680. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Title I, Section 2 of the National Housing Act (12 U.S.C. 1703) authorizes the Secretary to insure banks, trust companies, personal finance companies, mortgage companies, and other financial institutions which the Secretary finds to be qualified by experience or facilities and approves as eligible for credit insurance against losses which they may sustain as a result of default by borrowers in connection with insured property improvement loans or manfactured home loans.

These regulations contain the requirements under which an approved financial institution may obtain insurance on loans made for the alteration, repair or improvement of property, for the purchase of a manufactured home and/or the lot on which to place such home, for the purchase and installation of fire safety equipment in existing health care facilities, and for the preservation of historic structures. When effective, these regulations will replace those now published at 24 CFR Part 201. They represent a total recodification, restatement and reorganization of the current regulations, some provisions of which date back to the establishment of the Title I program in 1934.

The regulations define the two general types of loans authorized by Title I of the Act, insured property improvement loans and insured manufactured home loans, and the two methods of obtaining a loan (direct loans and dealer loans). A property improvement loan is a loan made to finance the alteration, repair or improvement of an existing residential or nonresidential structure or the construction of a new nonresidential structure. The term includes single family, multifamily and nonresidential property improvement loans; manufactured home improvement loans where the home is classified as personalty; historic preservation loans; and fire safety equipment loans in existing health care facilities. A manufactured home loan is a loan for the purchase or refinancing of a manufactured home and/or the lot on which to place such home. The term includes manufactured home purchase loans, manufactured home lot loans, and combination (home and lot) loans. A borrower may arrange for a Title I loan directly with the lender (direct loan) or through the intervention or assistance of a dealer (dealer loan).

The Title I loan insurance granted by the Secretary of HUD is available only for loans involving property located within a State, as that term is defined in § 201.2 of these regulations. The insurance can cover up to 10 percent of the amount of all Title I insured loans in the lender's portfolio, less amounts for annual adjustments to the general insurance reserve and for claims. Subject to this portfolio maximum, the insurance can cover up to 90 percent of the loss on any individual loan.

The proposed regulations eliminate unnecessary or duplicative treatment of similar topics in the currently effective rules. The regulations are rearranged in a topical format and present a chronological depiction of the Title I program to the reader (i.e., from institution of the loan transaction to payment of an insurance claim). This format will standardize the terms, concepts, and procedures applicable to all Title I loans. Recent statutory changes are also implemented in the proposed regulations.

Additionally, the proposed regulations implement a number of Departmental program policy decisions based on findings and recommendations contained in two audit reports on the Title I program prepared by HUD's Office of Inspector General: Special Operational Survey—Title I Mobile Home Loans, No. 82-TS-182-0009, issued July 13, 1982; and National Report: Title I—Property Improvement Loan Insurance Program, No. 84-TS-122-0005, issued January 25, 1984. These audit reports found a variety of defects in the Title I program with respect to loan origination, loan servicing practices, and the valuation and protection of property as security for an insured loan.

A number of industry recommendations concerning the Title I program have also been included by the Department in these proposed regulations. In addition, the proposed regulations update the program and enhance the fiscal soundness of the insurance fund. They embody a balanced approach which recognizes that changes have occurred in the property improvement and manufactured home industry's methods of doing business. At the same time, they should make the program more accessible to borrowers and better protect HUD's interests as loan insurer.

The proposed regulations contain 6 subparts: A general subpart concerned with applicability of the regulations and definitions, and subparts relating to loan and note provisions, eligibility and disbursement requirements, insurance of loans, loan administration, and default under the loan obligation. This approach ensures greater uniformity in the operation of the Title I program and prevents needless duplication of regulatory language. An example of this appears in § 201.25 where a variety of separate provisions of the present regulations (see 24 CFR 201.4, 201.530, 201.540, 201.1130, 201.1155, 201.1509, 201.1511, 201.1625, and 201.1630, relating to certain fees and charges which may be assessed against the borrower) are now presented in one section. The proposed regulations distinguish the expenses which may be financed with the loan proceeds from those to be paid at closing by the borrower. In cases where an item applies to one type of loan but not to another type, the regulations are subdivided to make this distinction.

When effective, the proposed rule will apply to any loan for which the loan application is dated on or after the

effective date of the rule, except for § 201.54 (Insurance claim procedure) and § 201.55 (b) and (c) (Calculation of insurance claim) which will apply to any loan in default on or after the effective date of the rule.

Audit Report Changes

I. Property Improvement Loans

HUD's Office of Inspector General, in its January 25, 1984 audit report on Title I property improvement loans, found that a significant number of direct loans in the survey sample involved borrower misuse of the loan proceeds. The most significant problems were unspent loan proceeds, unaccounted loan proceeds, and loan proceeds used for improper purposes (i.e., personal debts, living and business expenses, furniture). These problems are caused by: (1) Lack of documentation by the borrower concerning the proposed improvements when applying for the loan; (2) the disbursement of loan proceeds before improvements are made; (3) borrower awareness that lenders do not inspect the improvements; and (4) the lender's failure otherwise to monitor the borrower's expenditure of loan proceeds. The proposed regulations include remedial changes to help assure full and proper utilization of the loan proceeds and to better protect HUD's security interest in the property when borrowers default on their loan obligations. These changes are outlined below.

A. Documentation. After determining that the borrower is eligible, lenders shall obtain a copy of the contract or, if none, a description of the work and a cost estimate before disbursement of the loan proceeds. This provision should induce borrowers to be more concerned with the proper execution of improvements and should diminish any tendency of borrowers to treat loan proceeds as a source of personal loans. This requirement will also encourage better loan origination decisions by lenders (see § 201.26(a)).

B. Completion of Improvements. Borrowers and lenders shall assume greater responsibilities for the completion of planned improvements. A time limit of six months from the date of the disbursement of the loan proceeds (with one six-month extension if necessary) is established for the borrower, upon completion of the improvements, to submit a completion certificate to the lender. The completion certificate documents that the funds have been spent on eligible improvements in accordance with the contract or with the description of work and cost estimate (see § 201.40(b)(1)).

C. Inspection. Lenders shall conduct an on-site inspection of the improvements on all loans whose principal obligation is $7,500 or more, and on 10 percent of these loans with a lesser principal obligation. The inspection is required either after receipt of the borrower's completion certificate or when the borrower fails to submit one within the maximum time limit. This will help to assure that the funds are utilized for the statutorily intended purposes and will more effectively protect HUD's security interest in the property. Lenders are allowed to collect an inspection fee of up to $50 from the borrowers on larger (mandatory inspection) loans in order to offset inspection expenses (see § 201.40(b)(2)). This fee may be included in the loan proceeds (see § 201.25(b)).

D. Expenditures. The borrower shall remit any available unused loan proceeds to the lender after completion. This provision assures that expenditures are made solely for the planned property improvements. Any remitted proceeds shall be used through partial prepayment or through loan modification to reduce the outstanding principal loan obligation (see § 201.40(b)(3)).

II. Manufactured Homes

The Inspector General's July 13, 1982 audit report on direct and dealer loans made to finance the purchase of manufactured homes found possible indications of fraud in a significant percentage of the sample of manufactured home loans surveyed. These findings indicated the need for changes in (1) the loan origination process; (2) the valuation process for secured property interests; (3) lender servicing practices; and (4) the disposition of repossessed homes. The audit findings and HUD's proposed remedial changes in the Title I regulations are discussed below.

A. Loan Origination. The audit report found serious indications of possibly fraudulent loan origination practices and concluded that current HUD requirements for loan origination are not sufficiently specific to provide a satisfactory basis for loan underwriting decisions. HUD's experience also indicates that the loan file submitted with a claim often fails to fully document the loan transaction.

Therefore, these regulations more clearly specify credit requirements for all borrowers and require lenders to more fully investigate a borrower's credit. Lenders are required to conduct a credit investigation; obtain a credit report on the borrower; verify the borrower's employment, income, and source of downpayment; and check the borrower's present indebtedness (see § 201.22(a)).

Another provision establishes an income requirement which defines some reasonable boundaries for lenders to use in determining a manufactured home loan borrower's creditworthiness and ability to carry out the obligations under the note. The Department is adopting a percentage of income rule for Title I underwriting which parallels the current requirements imposed for Title II single family loans. This will require that borrower's net effective income be minimally sufficient to meet both the periodic payments due on the manufactured home as well as to provide for other necessities (see § 201.22(b)). A revised minimum downpayment will be required from borrowers for all manufactured home loans. HUD believes that the proposed revisions in downpayment requirements better assure that the borrower's equity investment is sufficient (see § 201.23).

Finally, HUD proposes to allow partial and full recourse by lenders against dealers with certain restrictions. The dealer and the lender may agree to a provision in the loan documents for full or partial recourse for a specified percentage of the unpaid obligation for defaults occurring in the initial three years of a loan term. The dealer may thus agree to share the risk of loss for early defaults (see § 201.27(b)).

B. Valuation of the Property as Security. The audit report found deficiencies in the documentation of manufactured home prices, and also found that some dealer-supplied items could constitute poor loan security. A variety of recommendations were made to upgrade the value of the security and, therefore, HUD's eventual security interest in the home in case of a default and subsequent insurance claim.

The proposed rule provides that a manufacturer shall itemize and certify on the manufacturer's invoice the wholesale price at the factory to the dealer of the manufactured home and its options (appliances, built-in items and equipment), and of any furniture supplied by the manufacturer. Items which represent little or no added security value (i.e., sales taxes, discounts) are excluded from the wholesale price. For manufactured home purchase loans, the proposed rule permits the limited financing from loan proceeds of moveable articles of furniture, in an amount not to exceed five percent of the wholesale price of the home and options. The wheels and axles, which are highly susceptible to being removed upon delivery of the

home and which may be financed with the loan proceeds, are treated in a special way. Before disbursing the loan proceeds, a lender shall be required to verify whether or not the wheels or axles are being financed with the loan proceeds. If not, the lender shall require an appropriate deletion of their cost from the manufacturer's invoice before calculating the amount of the loan (see § 201.26(b)(3)).

The proposed rule also distinguishes between those fees and charges paid by the borrower which may be financed with the loan proceeds and those which may not. The list of these items is contained at § 201.25 (b) and (c). In making these distinctions, HUD seeks to achieve several aims: (1) To maintain a reasonable loan-to-value ratio and thereby protect HUD's interest in the value of the property in case of a future claim and enhance the fiscal soundness of the insurance fund; (2) to take account of the manufacturer and dealer's costs and methods of doing business; and (3) to ensure that the borrower is financially capable of carrying out the full obligations of the loan.

HUD proposes also to require lenders, dealers and borrowers to accept certain additional responsibilities to protect and preserve the security value of the property. For all manufactured home purchase loans and combination loans, the lender must establish with supporting documentation that a home manufacturer is honoring its warranty obligations. If a manufacturer is unable or unwilling to honor its obligations, a loan will still be eligible for insurance if a licensed private insurer offers the borrower an acceptable Manufactured Home Warranty Plan (see § 201.21 (d) and (e)). As a condition of dealer approval, a lender may require a dealer to resell any home repossessed by the lender under a defaulted loan originated by the dealer (see § 201.27(a)(5)). Finally, the lender shall be required to escrow a percentage of funds prior to disbursement until it can verify, at the required on-site inspection, that all terms and conditions of the final sale have been met and that all invoiced items are present and in proper working order (see § 201.26(b)(6)).

C. Loan Administration Practices. The audit report also cited several deficiencies in the administration and servicing of loans by lenders, such as: (1) Failure to contact or counsel borrowers in cases of default; (2) reluctance to help borrowers implement repayment plans after a default; and (3) otherwise proceeding to repossession or foreclosure after a very short period of delinquency.

HUD proposes a number of changes in the regulations in response to the Inspector General's recommendations, in order to try to prevent unnecessary foreclosure and repossession. The proposed rule redefines the responsibilities of a lender for loan administration prior to default. These responsibilities would now include specific post-disbursement requirements with respect to misstatements of fact, on-site inspections and verifications for property improvement loans, and actions with respect to partial payments (see §§ 201.40 and 201.41).

The Department also proposes major changes in lender responsibilities in loan administration and servicing in the event of a default. Foreclosure or repossession shall occur only as a last resort, and the lender shall document all actions taken to cure the default. The lender shall attempt to cure the default through personal contact with the borrower, provide the borrower with a notice of default, inspect the manufactured home to determine its condition and whether it is occupied, and reinstate the loan if the default is cured (see § 201.50).

Disposition of Repossessed Homes. The audit report found that lender/dealer repossession practices did not result in maximum resale return to HUD, and it made a number of recommendations to upgrade the value of the homes at resale. In order to reduce claim amounts by preserving the value of the home, HUD proposes to encourage the sale of repossessed manufactured homes by providing financial incentives in the form of enhanced sales commissions for on-site sales. HUD also, will allow needed repairs of refurbishing of the home to make it marketable. In addition, HUD proposes to require more accurate appraisals that reflect the true market value of the repossessed home through the use of HUD-approved manufactured home appraisers, in order to reduce the amount of the claim (see § 201.53(b))

Other Substantive Changes

A number of other changes are proposed by HUD to update the program regulations in accordance with present-day economic conditions and markets and with the way Title I lenders operate within that framework. Certain Secretarially-imposed monetary limits have been raised because of inflation (see § 201.2 definition "existing structure"). It is necessary, for instance, to distinguish between original loans and refinancings, and between manufactured home loans involving new homes and those involving existing homes (see § 201.10). Similarly, it is necessary to change regulations regarding loan maturities so that refinancings may be for an equivalent period of up to 10 additional years for property improvement loans, or five additional years for manufactured home loans, depending on the depreciation characteristics of these types of property. These changes appear throughout § 201.11.

If these regulations become effective, lenders will be able to charge borrowers an origination fee (not to exceed one percent of the loan amount) on all types of Title I loans, to cover the lender's costs of originating, administering and servicing such loans and to reflect present-day market realities. General inflationary trends in overall costs and interest rates habe prompted other changes to the regulations. Interest rates have been deregulated, following the repeal of the Secretary's authority to regulate interest and points by section 404 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181). The provision regarding the interest rate allowable on late charges to the borrower has been raised in proposed § 201.15, and the calculation procedures and amounts for claims payments have been updated to provide for an increased interest recovery, uniform calculation periods and attorney fees for services (see § 201.55). Another regulatory change specifies standard installment payment periods and permits either or both the first and final installment payments to vary in amount from the normal installment payment (see § 201.14).

The proposed rule dispenses with the "list of ineligible items" currently prescribed at 24 CFR 201.7, which includes items and activities which have been determined to be ineligible for property improvement loans. Instead, as set forth in proposed § 201.20(b)(2), the Secretary will publish by Notice in the **Federal Register** a list of items and activities which may not be financed with the proceeds of any property improvement loan. From time to time the Secretary may amend a list by Federal **Register** Notice. The Department has purged from the currently published list items or activities which are no longer common in the marketplace or which now appear to be justifiable actions, and is developing the text of the initial Notice. Upon revision of the proposed rule in response to public comments, such a Notice will be published with the final rule. It is probable that the Notice will include items and activities such as the following:

Barbecue pits.
Bathhouses.
Dumbwaiters.
Exterior hot tubs, saunas, spas or whirlpool baths.
Flower boxes.
Hangars for airplanes.
Kennels.

Kitchen appliances which are not designed or manufactured to be built into or permanently affixed to the structure.
Outdoor fireplaces or hearths.
Photo murals.
Sprinkler systems and fire extinguishers (except that these items shall be eligible in the case of fire safety equipment loans).
Swimming pools.
Television antennae.
Tennis courts.
Tree surgery.
Waterproofing of a structure by pumping or injecting any substance in the earth adjacent to or beneath the foundation or basement floor.

Similarly, as set forth in proposed § 201.21(b)(5) the Secretary will publish by Notice in the **Federal Register** from time to time a list of items and activities which may not be financed with the proceeds of a manufactured home loan. Any such initial list for manufactured home loans will also be published with the final rule.

The proposed rule also seeks to provide somewhat stricter enforcement of loan origination procedures and obligations under the insurance contract. For instance, the proposed regulation prohibits loans where dealers or their representatives have been barred from the Title I program, or where borrowers have defaulted on prior loans or have previously furnished false information in other Federal programs (see §§ 201.22(c) and 201.27(c)). This should help reduce many of the fraudulent practices discussed in the audit reports. The regulations also implement section 406 of the 1983 Act and proposes a stricter interest penalty for lenders whose payments of insurance premiums are not received within the specified time period (see § 201.31(c)).

The proposed rule substantially changes and standardizes the procedures for calculating claims payments on defaulted loans. The language of existing regulatory provisions concerning claims payment calculations is often confusing and susceptible of misinterpretation. Payment provisions for property improvement loans (including fire safety equipment and historic preservation loans), currently published at 24 CFR 201.11, 201.1265 and 201.1680, differ markedly from the provisions for calculating payments on manufactured home loans, currently published at 24 CFR 201.680 and 201.1526. The Department has abandoned the practice of computing property improvement loan claims based on "the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser," which presumes that lenders will make a assign loans on a discount basis. Instead, to facilitate access to secondary mortgage markets and to standardize the treatment of property improvement lenders with that historically afforded manufactured home lenders, the proposed rule adopts the approach currently used for commencing the calculation of manufactured home loan payments for both types of claim payments. Payments of claims will be based on the "unpaid amount of the loan obligation," for both property improvement loan claims and manufactured home loan claims. The new provisions appear in the proposed rule at § 201.55 (b) and (c).

Other changes in the regulations based on the 1983 Act are as follows: (1) American Samoa is included as an eligible territory; (2) insurance authority is now available with respect to loans for the purchase of an existing manufactured home that was not insured under Title I, if it was constructed in accordance with the standards issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 and meets standards similar to the minimum property standards applicable to existing homes insured under Title II of the National Housing Act; (3) loan limits for combination loans and manufactured home lot loans may be increased on an area-by-area basis to the extent the Secretary deems necessary, but not to exceed the percentage by which the maximum mortgage amount of a one-family residence in an area is increased by the Secretary; and (4) the owner-occupant of a manufactured home or a home and lot that was purchased without assistance under this section may now refinance such home or home and lot under Title I if the home was constructed in accordance with standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

Another group of changes seeks to protect and better define the property on which a security interest is taken. HUD proposes to retain Secretarial approval for property improvement loans which exceed certain limits (see § 201.10(a)(2)). The type of lot acceptable for the placement of a manufactured home is more clearly defined (see § 201.2 and 201.21(f)). The fee simple interest of a property improvement loan borrower in the property to be improved has been raised to a one-half interest (from the currently required one-third interest) to better protect the Department (see § 201.20(a)). The provisions relating to security on Title I loans are revised to distinguish acceptable from unacceptable security and to specify the conditions affecting valid security (see § 201.24). Lenders must preserve their rights to the assets of the borrower in cases where the borrower dies or declares bankruptcy or insolvency (see § 201.42). Finally, HUD may require the lender to first obtain a valid and enforceable judgment prior to assigning the note and security instrument to HUD, when the Secretary deems it necessary to protect HUD's interest (see § 201.54(e)).

Additional changes remove unnecessary provisions from the regulations and provide procedural clarifications. The regulations provide for changes by published notices in certain items which tend to change rapidly, such as increased loan amounts for combination loans and manufactured home lot loans in certain geographical areas (see § 201.10(e)). Manufactured home loans on Indian reservations are facilitated, recognizing that most Indian land is held in trust and cannot be sold or transferred without approval from the Department of Interior (see § 201.21(f)(1) and § 201.26(b)(8)). Loan modifications which reduce the term, interest rate or payment schedule on the loan may be accomplished without a new loan report (see § 201.18). Finally, the proposed regulations contain a waiver provision, as stated in section 2(e) of the Act (see § 201.5). This provision allows the Secretary to waive any provision of the regulations, subject to the statute, to avoid injustice to a lender which is in substantial compliance when the waiver does not increase the insurance obligation.

The Department solicits comment from lenders and others in the general public concerning the implications of a proposal now under review to reduce a lender's insurance reserve if for any reason an insured loan is terminated. The proposed rule addresses the insurance reserve at § 201.32. The Department is considering the implementation of a provision which would provide that upon notification by a lender of the termination (by acceleration or prepayment) of an insured loan, the Secretary would reduce the lender's general insurance reserve by an amount equal to the unpaid balance of the terminated loan. This new provision has been suggested as a way to avoid exposing the Department to additional and uncompensated risks resulting from the actions of a borrower who elects to refinance an existing insured loan

through a new insured loan by a new lender. Since the new lender's insurance reserve will be increased by the new loan amount, the reserve of the original lender would be reduced. The reduction would not be for the entire amount of the original loan, but instead only for the amount of the loan balance outstanding at its termination.

Paperwork Reduction Act

The information collection requirement contained in these regulations have been submitted to OMB for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding the information collection requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for HUD.

Regulatory Impact

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicate that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

Under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities, because the majority of financial institutions participating in the Title I program are large depository institutions and none of the proposed changes pose undue burdens for smaller entities seeking to conduct Title I loan transactions.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

Regulatory Agenda

This proposed rule was listed as item H–57–81 in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902), under Executive Order 12291 and the Regulatory Flexibility Act.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers are:

14.110 Manufactured (Mobile) Home Insurance—Financing Purchase of Mobile Homes as Principal Residences of Borrowers;
14.142 Property Improvement Loan Insurance for Improving All Existing Structures and Building of New Nonresidential Structures; and
14.162 Mortgage Insurance—Combination and Mobile Home Lot Loans

List of Subjects in 24 CFR Part 201

Fire safety equipment, Health facilities, Historic preservation, Home improvement, Manufactured homes, Manufactured homes and lots, Property improvement.

Accordingly, the Department proposes to revise 24 CFR Part 201 to read as follows:

PART 201—TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS

Subpart A—General

Sec.
201.1 Purpose and applicability.
201.2 Definitions.
201.3 Applicability of the regulations.
201.4 Exclusions of time periods.
201.5 Waivers.

Subpart B—Loan and Note Provisions

201.10 Loan amounts
201.11 Loan maturities.
201.12 Form of note.
201.13 Interest rate.
201.14 Payments on the loan.
201.15 Late charges.
201.16 Default provision.
201.17 Prepayment provision.
201.18 Loan modifications.
201.19 Co-maker or co-signer.

Subpart C—Eligibility and Disbursement Requirements

201.20 Property improvement loan eligibility.
201.21 Manufactured home loan eligibility.
201.22 Credit requirements for borrowers.
201.23 Borrower's required investment.
201.24 Security requirements.
201.25 Charges to borrower to obtain loan.
201.26 Conditions for loan disbursement.
201.27 Requirements for dealer loans.
201.28 Requirements for flood and hazard insurance.

Subpart D—Insurance of Loans

Sec.
201.30 Reporting of loans for insurance.
201.31 Insurance charge.
201.32 Insurance reserve.

Subpart E—Loan Administration

201.40 Post-disbursement loan requirements.
201.41 Loan servicing.
201.42 Bankruptcy, insolvency or death of borrower.
201.43 Administrative reports and examinations.

Subpart F—Default Under the Loan Obligation

201.50 Lender efforts to cure the default.
201.51 Proceeding against the loan.
201.52 Acquisition by voluntary conveyance.
201.53 Disposition of property.
201.54 Insurance claim procedure.
201.55 Calculation of insurance claim.

Authority: Sec. 2, National Housing Act, 12 U.S.C. 1703; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 201.1 Purpose and applicability.

These regulations implement the provisions of section 2 of Title I of the National Housing Act (12 U.S.C. 1703). They contain the requirements under which an approved financial institution may obtain insurance on loans made for the alteration, repair or improvement of property, for the purchase of a manufactured home and/or the lot on which to place such home, for the purchase and installation of fire safety equipment in existing health care facilities, and for the preservation of historic structures. The insurance granted by the Secretary of Housing and Urban Development shall be available only for loans involving property located within a State, as that term is defined in § 201.2 of these regulations. The insurance can cover up to 10 percent of the amount of all insured Title I loans in the financial institution's portfolio, less amounts for annual adjustments to the general insurance reserve and for claims. Subject to this portfolio maximum, the insurance can cover up to 90 percent of the loss on any individual loan.

§ 201.2 Definitions.

"Act" means the National Housing Act, 12 U.S.C. 1703.

"Actuarial method" means the method of allocating payments made on a loan between the amount financed and the interest on the loan, under which a payment is financed and the interest on the loan, under which a payment is applied first to the accrued interest, and any remainder is subtracted from, or

any deficiency is added to, the unpaid balance of the amount financed.

"Borrower" means one who applies for and receives a loan under the provisions of these regulations.

"Combination loan" means a loan made for the purchase or refinancing of both a manufactured home and a manufactured home lot in a single transaction.

"Dealer" means, in the case of property improvement loans, a seller, contractor, or supplier of goods, services or materials. In the case of manufactured home loans, "dealer" means one who engages in the business of manufactured home retail sales.

"Dealer loan" means a loan where a dealer, having a direct or indirect financial interest in the transaction between the borrower and the lender, assists the borrower in preparing the credit application or otherwise assists the borrower in obtaining the loan from the lender. The lender may disburse the loan proceeds solely to the dealer or the borrower, or jointly to the borrower and other parties to the transaction.

"Default" means a failure by the borrower to make any payment due under the note, or a failure to perform any other obligation under the note (or the security instrument therewith), when such failure continues for a period of 30 days. For the purpose of these regulations, the "date of default" shall be considered as 30 days after (a) the first uncorrected failure to perform any obligation under the note, or (b) the first failure to make an installment payment on the note which is not covered by subsequent payments, when applied to the overdue installments in the order in which they became due.

"Direct loan" means a loan applied for by the borrower directly from the lender. The credit application, signed by the borrower, may be filled out by the borrower or by a person acting at the direction of the borrower who is not a dealer. The lender may disburse the loan proceeds solely to the borrower or jointly to the borrower and other parties to the transaction. If a dealer takes legal action required by State law in order for the lender to obtain a valid and enforceable lien against the property, such action by the dealer will not convert an otherwise direct loan to a dealer loan.

"Existing structure" means a dwelling, including a manufactured home classified as realty, which was completed and occupied at least 90 days prior to the application for the Title I loan, or a nonresidential structure which was a completed building with a distinctive functional use prior to the application for the Title I loan. However, these occupancy and completion requirements shall not apply to (a) loans having a principal obligation of $1000 or less, or (b) residential structures which have been damaged by conditions determined by the President to warrant relief under the provisions of Title 42, Chapter 68, of the United States Code.

"Fire safety equipment loan" means a loan made to finance the purchase and installation of any device or construction feature which is recognized in the latest edition of the Department of Housing and Urban Development's Minimum Property Standards for Care Type Housing (HUD Handbook 4920.1) or the Fire Safety Code of the National Fire Protection Association, and which is designed to reduce the risk of death, personal injury, or property damage resulting from a fire in a health care facility.

"Furniture" means movable articles of personal property within a dwelling, such as beds, chairs, sofas, lamps, tables, rugs, etc.; however, furniture does not include (a) items built into the dwelling structure such as wall-to-wall carpeting or heating or cooling equipment, or (b) appliances such as refrigerators, ovens, ranges, dishwashers, clothes washers or clothes dryers.

"Health care facility" means a proprietary facility or facility of a private nonprofit corporation or association, licensed or regulated by the State or by the municipality or other political subdivision in which the facility is located, and operated as one or more of the following:

(a) A nursing home for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services performed under the general direction of persons licensed by the law of the State where the facility is located to provide such care or services;

(b) An intermediate health care facility for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care, but not continuous medical care or nursing services;

(c) An extended health care facility for inpatient care for convalescents or chronic disease patients who require skilled nursing care and related medical services; or

(d) Other comparable health care facility.

"Historic preservation loan" means a loan to finance the preservation (including restoration or rehabilitation) of an historic residential structure which is listed on the National Register of Historic Places or which is certified by the Secretary of the Interior as conforming with National Register criteria.

"Lender" means an approved financial institution holding a contract of insurance under Title I of the Act and authorized to make loans under these regulations.

"Loan" means an advance of funds or credit, the purchase of an obligation evidenced by a note, or a refinancing with or without an additional advance of funds.

"Manufacturer's invoice" means a document issued by the manufacturer (on a form in general use in the industry) itemizing and certifying the wholesale price at the factory of (a) a manufactured home and any options (appliances, built-in items and equipment), and (b) any furniture supplied by the manufacturer. Such wholesale price shall be the price to the dealer of such items exclusive of freight or transportation charges, trade association fees or charges, sales taxes, discounts, bonuses, refunds, prizes, rebates (except volume rebates), or anything of value which will inure to the benefit of the dealer at the time of the home's purchase by the borrower.

"Manufactured home" means a transportable structure, comprised of one or more modules, each built on a permanent chassis, with or without a permanent foundation, designed for permanent occupancy by a single family, and constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.*

"Manufactured home improvement loan" means a loan made to finance the alteration, repair or improvement of an existing manufactured home which is classified as personalty by the State or locality in which the property is located.

"Manufactured home loan" means a loan for the purchase or refinancing of a manufactured home and/or the lot on which to place such home. Unless otherwise indicated, the term includes manufactured home purchase loans, manufactured home lot loans, and combination loans.

"Manufactured home lot loan" means a loan for the purchase or refinancing of a portion of land acceptable to the Secretary as a manufactured home lot. A manufactured home lot may consist of platted or unplatted land, a lot in a recorded or unrecorded subdivision or in an improved area of such subdivision, or a lot in a planned unit development. A manufactured home lot may also consist of an interest in a manufactured

home condominium project (including any interest in the common areas) or a share in a cooperative association which owns and operates a manufactured home park.

"Manufactured home purchase loan" means a loan for the purchase or refinancing of only a manufactured home.

"Multifamily property improvement loan" means a loan to finance the alteration, repair, improvement or conversion of an existing structure used or to be used as a residence for two or more families, which structure is not owned by a corporation, partnership or trust.

"Nonresidential property improvement loan" means a loan made to finance the construction of a new exclusively nonresidential structure or the alteration, repair or improvement of an existing nonresidential structure. Such a structure may be temporarily used for residential purposes while the borrower constructs a new dwelling to replace a dwelling previously occupied by the borrower, which was destroyed or damaged by conditions determined by the President to warrant relief under the provisions of Title 42, Chapter 68, of the United States Code, on condition that the credit application is filed within one year from the date of such a determination.

"Note" means the evidence of indebtedness, whether separate from or included within another document, and unless otherwise specified includes any security instrument with respect to that indebtedness.

"Owner" means a person, including a borrower, who has title in whole or in part to the property which is the subject of the loan transaction.

"Principal residence" means a manufactured home where the borrower expects to live at least nine months of the year.

"Property improvement loan" means made to finance the alteration, repair or improvement of an existing residential or nonresidential structure or of the real property in connection therewith, or to finance the construction of a new nonresidential structure. Unless otherwise indicated, the term includes single family, multifamily and nonresidential property improvement loans; manufactured home improvement loans where the home is classified as personalty; historic preservation loans; and fire safety equipment loans in existing health care facilities.

"Rehabilitation" means the process of returning an historic residential structure to a state of utility, through repair or alteration, which makes possible an efficient contemporary use. In rehabilitation, those portions of the property important in illustrating historic, architectural and cultural values are preserved or restored.

"Repossession" or "foreclosure" means a lawful recovery or acquisition of title to property pursuant to a security instrument.

"Restoration" means the process of accurately recovering the form and details of an historic residential structure as it appeared at a particular period of time by removing later work and by replacing missing original work.

"Secretary" means the Secretary of Housing and Urban Development or other HUD official with delegated authority.

"Security instrument" means a properly recorded chattel mortgage, real estate mortgage or deed or trust, or conditional sales contract.

"Solar energy system" means any improvement to a new or existing structure which is designed to utilize wind or solar energy to reduce the energy requirements of that structure from other energy sources, and which complies with standards prescribed by the Secretary.

"State" means any State of the United States, Puerto Rico, the District of Columbia, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands.

"Volume rebate" means an established marketing practice customary in the industry, whereby a manufacturer offers bonuses to all dealers on an equal basis for volume purchases over a period of time and not on individual or small volume purchases.

§ 201.3 Applicability of the regulations.

The regulations in this part may be amended by the Secretary at any time. Such amendment shall not adversely affect the insurance privileges of a lender on any loan which has been made or is under application review before the effective date of the amendment. Unless otherwise provided, these regulations (and any amendments thereto) shall be applicable to any loan if the application for the loan is dated on or after the effective date of these regulations (or such amendment thereto).

§ 201.4 Exclusions of time periods.

If a borrower is a "person in military service" as that term is defined in the Soldier's and Sailor's Civil Relief Act of 1940 and is in default on a loan insured under this part, any period of military service after the date of default shall be excluded in computing the maximum time period for filing an insurance claim.

§ 201.5 Waivers.

The Secretary may waive any provision of this part, subject to statutory limitations, when it is determined that enforcement of the regulations would impose an injustice upon a lender which has substantially complied with the regulations in good faith and refunded or credited any excess charge made, and when such waiver does not involve an increase in the Secretary's obligation beyond that which would have been involved if the lender was in full compliance with the regulations.

Subpart B—Loan and Note Provisions

§ 201.10 Loan amounts.

(a) *Property improvement loans.* (1) The total principal obligation for a property improvement loan shall not exceed the actual cost of the project plus any applicable fees and charges authorized at § 201.25(b), up to the following maximum loan amounts:

(i) Single family property improvement loans—$17,500 ($20,000 where financing the installation of a solar energy system).

(ii) Multifamily property improvement loans—$43,750 or an average of $8,750 per dwelling unit ($50,000 and $10,000, respectively, where financing the installation of a solar energy system).

(iii) Nonresidential property improvement loans—$17,500.

(iv) Manufactured home improvement loans—$5,000.

(v) Historic preservation loans—the lesser of $15,000 per dwelling unit in a residential structure of $45,000 per residential structure.

(vi) Fire safety equipment loans—$50,000.

(2) Notwithstanding the maximum loan amounts in paragraph (a)(1) of this section, the prior approval of the Secretary shall be obtained for any property improvement loan which will result in any borrower, co-maker or co-signer having a total obligation under such loans which exceeds $17,500 ($20,000 where financing the installation of a solar energy system in an existing structure).

(3) No property improvement loan shall be made where the total outstanding balance of all Title I property improvement loans on the same property exceeds the maximum loan amount prescribed for that type of loan. If more than one type of property improvement loan is involved, the total outstanding balance of such loans on a particular property shall not exceed the maximum loan amount prescribed for the larger type of loan.

(b) *Manufactured home purchase loans.* (1) The total principal obligation for a loan to purchase a new manufactured home shall not exceed the sum of the following itemized amounts, up to a maximum of $40,500:

(i) 116 percent of the total of the wholesale price for such home and options and the wholesale price for furniture (in an amount not to exceed five percent of the wholesale price of the home and options), as detailed in the manufacturer's invoice;

(ii) Set-up charges and transportation costs, including the rental of wheels and axles, not to exceed $500 per module, up to a maximum of $1,000;

(iii) Skirting costs, not to exceed $400;

(iv) Actual dealer's costs of purchasing and installing a central air conditioning system or heat pump, if not installed by the manufacturer; and

(v) Any applicable charges authorized at § 201.25(b).

(2) Except as provided in paragraph (b)(3), the total principal obligation for a loan to purchase an existing manufactured home shall not exceed the lesser of—

(i) 90 percent of the total of the appraised value of the home (as determined by a HUD-appraiser) and any itemized amounts allowed under paragraphs (b)(1)(ii) through (v) of this section, if incurred, or

(ii) 90 percent of the purchase price of the home, up to a maximum of $40,500.

(3) The total principal obligation for a loan to purchase a repossessed existing manufactured home which was previously financed with an insured loan under this part shall not exceed the greater of—

(i) 90 percent of the total of the appraised value of the home (as determined by a HUD-approved appraiser) and any itemized amounts allowed under paragraphs (b)(1)(ii) through (v) of this section, if incurred, or

(ii) 90 percent of the purchase price of the home, up to a maximum of $40,500.

(4) The purchase price of a new or existing manufactured home includes the cost of the home and any costs for transportation, set-up, skirting, and a central air conditioning system or heat pump if not already installed, as itemized in the purchase contract, plus any applicable charges authorized at § 201.25(b).

(c) *Manufactured home lot loans.* The total principal obligation for a loan to purchase and, if necessary, develop a lot suitable for a manufactured home, including on-site water and utility connections, sanitary facilities, site improvements and landscaping, shall not exceed 90 percent of either the appraised value of the developed lot (as determined by a HUD-approved appraiser) or the total of the purchase price and development costs, whichever is less, up to a maximum of $13,500.

(d) *Combination loans.* (1) The total principal obligation for a loan to purchase a new manufactured home and a lot on which to place the home shall not exceed the sum of the following itemized amounts, up to a maximum of $54,000:

(i) 125 percent of the wholesale price for such home and options, excluding furniture, as detailed in the manufacturer's invoice, which amount shall include the costs of transportation, set-up, anchoring and otherwise installing the home on the lot;

(ii) Actual dealer's costs of purchasing and installing a central air conditioning system or heat pump, if not installed by the manufacturer;

(iii) The appraised value of the developed manufactured home lot (as determined by a HUD-approved appraiser), including on-site water and utility connections, sanitary facilities, site improvements and landscaping;

(iv) The actual cost to the borrower or the appraised value (as determined by a HUD-approved appraiser), whichever is less, of appurtenances to the home such as a permanent foundation, garage, carport or patio; and

(v) Any applicable charges authorized at § 201.25(b).

(2) Except as provided in paragraph (d)(3), the total principal obligation for a loan to purchase an existing manufactured home and a lot on which to place the home shall not exceed 95 percent of either the appraised value of the home and lot (as determined by a HUD-approved appraiser) or the purchase price, whichever is less, plus 95 percent of any applicable charges authorized at § 201.25(b), up to a maximum of $54,000.

(3) The total principal obligation for a loan to purchase a foreclosed or repossessed existing manufactured home and lot which were previously financed with an insured loan under this part shall not exceed 95 percent of either the appraised value of the home and lot (as determined by a HUD-approved appraiser) or the purchase price, whichever is greater, plus 95 percent of any applicable charges authorized at § 201.25(b), up to maximum of $54,000.

(e) *Manufactured home loan limits in high-cost areas.* (1) The maximum loan amounts otherwise applicable under paragraphs (b), (c) and (d) of this section may be increased by not to exceed 40 percent where the manufactured home and/or lot is purchased and located in Alaska, Guam or Hawaii.

(2) The maximum loan amounts otherwise applicable under paragraphs (c) and (d) of this section may be increased for any geographical area except Alaska, Guam or Hawaii to the extent deemed necessary by the Secretary; however, such increase cannot exceed the percentage by which the Secretary increases the maximum mortgage amount for a one-family residence in the same area, as published by notice in the **Federal Register** in accordance with 24 CFR 203.18b. The Secretary may, from time to time, establish a schedule of areas where increased maximum loan amounts are applicable by publishing notice of the higher dollar limits in the **Federal Register.**

(f) *Loan refinancing.* (1) The total principal obligation of a loan made to refinance an existing property improvement loan insured under this part shall not exceed the maximum loan amount permitted under this section for the particular type of loan, provided that any amount in excess of the outstanding balance of the existing loan shall be made available only to finance additional property improvements meeting the requirements of this part.

(2) The total principal obligation of a loan made to refinance an existing manufactured home loan insured under this part shall not exceed the outstanding balance of the existing loan.

(3) The total principal obligation of a loan made to refinance an existing manufactured home purchase loan or combination loan not previously insured under this part shall not exceed the outstanding balance of the existing loan or the appraised value (as determined by a HUD-approved appraiser), whichever is less, up to the maximum loan amount permitted under this section for the particular type of loan.

(4) Where an existing manufactured home lot loan not previously insured under this part is being refinanced in connection with the purchase of a manufactured home, the total principal obligation of the combination loan shall be determined in accordance with paragraph (d)(1) or (d)(2) of this section.

§ 201.11 Loan maturities.

(a) *Property improvement loans.* The term of a property improvement loan shall be not less than six months and not more than 15 years and 32 days from the date of the note, except that the maximum term of a manufactured home improvement loan shall not exceed 12 years and 32 days from the date of the note.

(b) *Manufactured home loans.* The term of a manufactured home loan shall

be not less than six months and not more than 20 years and 32 days from the date of the note, except that—

(1) The maximum term for a manufactured home lot loan shall not exceed 15 years and 32 days from the date of the note, and

(2) The maximum term for a multi-module manufactured home and lot in combination shall not exceed 25 years and 32 days from the date of the note.

(c) *Loan refinancing.* (1) The term of a loan made to refinance an existing property improvement loan or manufactured home loan insured under this part shall not exceed the maximum term permitted under paragraph (a) or (b) of this section for the particular type of loan, so long as the final maturity from the date of the original note does not exceed the following time limits:

(i) 22 years for a manufactured home improvement loan;

(ii) 20 years for a manufactured home lot loan;

(iii) 30 years for a multi-module manufactured home and lot in combination; and

(iv) 25 years for all other property improvement and manufactured home loans.

(2) The term of a loan made to refinance an existing manufactured home purchase loan or combination loan not previously insured under this part shall be based upon the appraisal required under § 201.10(f)(3), but in any case shall not exceed the maximum term permitted under paragraph (b) of this section or the final maturity permitted under paragraph (c)(1) of this section for the particular type of loan.

(3) Where an existing manufactured home lot loan not previously insured under this part is being refinanced in connection with the purchase of a manufactured home, the term of the combination loan shall not exceed the maximum term permitted under paragraph (b) of this section for the particular type of loan.

§ 201.12 Form of note.

The note shall bear the genuine signature of each borrower and of any co-maker or co-signer, be valid and enforceable against the borrower and any co-maker or co-signer, be complete and regular on its face, and be in compliance with applicable Federal, State and local laws. If the note is executed on behalf of a corporation, partnerhip or trust by an authorized representative, it shall create a binding obligation on such entity. Although the borrower may execute the note on an earlier date, the date of the note for loans insured under this part shall be the date that the loan proceeds are distributed by the lender.

§ 201.13 Interest rate.

The interest rate on any loan shall be agreed upon by the borrower and the lender, and such interest rate shall be fixed for the full term of the loan. The lender shall comply with any Federal or State requirements for disclosure to the borrower of financing charges, including the interest rate.

§ 201.14 Payments on the loan.

The note normally shall provide for equal installment payments due weekly, biweekly or monthly. The note may provide for either or both of the first and final payments to vary in amount but not to exceed 1½ times the regular installment. Where the borrower has an irregular flow of income, the note may be payable at quarterly or semi-annual intervals corresponding with the borrower's flow of income. The first payment shall be due no later than two months from the date of the note. Multiple payment schedules may not be used in connection with any loan.

§ 201.15 Late charges.

The note may provide for a late charge not to exceed five percent of each installment of principal and interest more than 15 calendar days in arrears, up to a maximum of $10 per installment. In lieu of late charges, the note may provide for daily interest charges based on the interest rate in the note. The borrower must be billed for the penalties which are imposed, and evidence of such billing must be in the loan file if an insurance claim is made.

§ 201.16 Default provision.

The note shall contain a provision for acceleration of maturity, at the option of the holder, upon a default by the borrower.

§ 201.17 Prepayment provision.

The note shall contain a provision permitting full or partial prepayment of the loan, after giving the lender 30 days' advance written notice. Where the loan is prepaid in full, the lender shall rebate the full unearned interest on the loan, except that a minimum retained handling charge may be deducted from the rebate if permitted by State or local law. Unearned interest shall be determined in accordance with the actuarial method.

§ 201.18 Loan modifications.

A modification agreement may be used to reduce but not to increase the term, interest rate, or payment on a Title I loan. When a modification agreement is used, no insurance reporting is required under § 201.30.

§ 201.19 Co-maker or co-signer.

If a borrower's income or creditworthiness is insufficient, the lender may require that a person other than the borrower execute the note as co-maker or co-signer for the full amount of the loan obligation.

Subpart C—Eligibility and Disbursement Requirements

§ 201.20 Property improvement loan eligibility.

(a) *Borrower eligibility.* (1) To be eligible for a property improvement loan (other than a manufactured home improvement loan), the borrower shall have at least a one-half interest in one of the following:

(i) Fee simple title to the real property;

(ii) Lease of the real property for a fixed term which expires not less than six calendar months after the final maturity of the loan; or

(iii) A land installment contract for the purchase of the real property.

(2) To be eligible for a manufactured home improvement loan, the borrower shall have at least a one-half interest in the manufactured home.

(b) *Eligible use of loan proceeds.* (1) The loan proceeds may be used for the alteration, repair or improvement of an existing structure or for the construction of a new nonresidential structure. A manufactured home improvement loan may be used only for a home that is the principal residence of the borrower and has been completed and occupied for at least 90 days prior to the date of the loan application.

(2) The loan proceeds shall be used to finance property improvements which substantially protect or improve the basic livability or utility of the property. The Secretary will publish by Notice in the **Federal Register** a list of items and activities which may not be financed with the proceeds of any property improvement loan. From time to time the Secretary may amend such a list by Notice in the **Federal Register**. If a lender has any doubt as to the eligibility of any item or activity, it shall request a specific ruling by the Secretary before making a loan.

(3) The loan proceeds may not be used for any property improvements which are started prior to approval of the loan application.

(c) *Special pre-application requirements.* (1) Where the proceeds are to be used for an historic preservation loan, the proposed improvements shall be reviewed and

approved by the State Historic Preservation Officer (or other person authorized by the Secretary of the Interior to make such reviews) prior to making application for a loan. The purpose of the review is to determine that—

(i) The structure is an historic residential structure which is listed on the National Register of Historic Places or which is certified by the Secretary of the Interior as conforming with National Register criteria, and

(ii) The proposed improvements are in conformance with criteria set by the Secretary of the Interior for the preservation of historic structures.

(2) Where the proceeds are to be used for a fire safety equipment loan, the proposed improvements shall be reviewed and approved by the State or local agency having primary jurisdiction over the fire safety requirements of health care facilities prior to making application for a loan.

§ 201.21 Manufactured home loan eligibility.

(a) *Borrower eligibility.* To be eligible for a manufactured home loan, the borrower shall be one who owns or will own a manufacured home, a lot on which to place the home, or a manufactured home and lot in combination. Where the loan involves a manufactured home which is classified as realty, ownership of the home must be in fee simple. Where the loan involves a manufactured home lot, ownership of the lot must be in fee simple, except where the lot consists of a share in a cooperative association which owns and operates a manufactured home park.

(b) *Eligible use of loan proceeds.* (1) The loan proceeds may be used for the purchase or refinancing of a manufactured home, a suitably developed lot on which to place a manufactured home already owned by the borrower, or a manufactured home and a suitably developed lot for the home in combination. The loan proceeds may also be used for the purchase of a manufactured home and the refinancing of a manufactured home lot already owned by the borrower. Where the proceeds are for a manufactured home purchase loan or combination loan, the home must be occupied as the borrower's principal residence. Where the proceeds are for a manufactured home lot loan, the borrower's manufactured home must be placed on the lot and occupied as the borrower's principal residence within six months after the date of the note.

(2) A manufactured home financed with an insured loan under this part may be either:

(i) A new home, which means that it is purchased by the borrower within 18 months after the date of manufacture and has not been previously occupied, or

(ii) An existing home, which is one that does not meet the criteria for a new home.

In order to be eligible for financing with an insured loan under this part, the manufactured home and the site on which the home is placed must meet the requirements of paragraphs (c) through (f) of this section.

(3) The proceeds of a manufactured home purchase loan may be used to purchase furniture in an amount not to exceed five percent of the wholesale price of the home and options as stated in the manufacturer's invoice. The proceeds of a combination loan shall not be used to purchase furniture.

(4) The proceeds of a combination loan may be used for the purchase, construction or installation of appurtenances to the manufactured home such as a permanent foundation, garage, carport or patio.

(5) The Secretary will publish by Notice in the **Federal Register** a list of items and activities which may not be financed with the proceeds of any manufactured home loan. From time to time the Secretary may amend such a list by Notice in the **Federal Register.** If a lender has any doubt as to the eligibility of any item or activity, it shall request a specific ruling by the Secretary before making a loan.

(c) *Construction, transportation and installation requirements.* (1) The manufactured home shall have been constructed in compliance with the National Manufactured Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.*, as evidenced by a label or tag affixed to the manufactured home in accordance with 24 CFR 3280.8.

(2) Where the manufactured home is composed of two or more modules, the dealer or the manufactured home transporter or carrier shall assure that the necessary precautions are taken to maintain the structural integrity of the individual modules during shipment to the manufactured home site.

(3) The installation or erection of the manufactured home on a site shall comply with the manufacturer's standards and requirements for the anchoring, support, stability and maintenance of the home, as evidenced by a placement certificate executed by the borrower and the dealer or seller, and by a site-of-placement inspection carried out by the lender.

(d) *Manufacturer's warranty requirements.* (1) To induce the Secretary to insure a loan for the purchase of a new manufactured home and to induce a borrower to purchase such a home, the home manufacturer shall furnish the borrower with a written warranty, duly executed by an authorized representative of the manufacturer on a HUD-approved form. The warranty shall be provided without cost to the borrower. The effective date of the warranty shall be the date of delivery of the manufactured home to the borrower, regardless of when the warranty was executed by the manufacturer or was delivered to the borrower.

(2) The warranty shall obligate the home manufacturer to take appropriate action to correct any nonconformity with the standards prescribed in paragraph (c)(1) of this section or any defects in materials or workmanship which become evident within one year after the date of delivery. This warranty shall be in addition to, and not in derogation of, all other rights and privileges which the borrower may have under any other law or instrument. A copy of the warranty shall be retained in the lender's loan file.

(3) Prior to making a loan involving a new manufactured home, the lender shall determine to the best of its ability whether the home manufacturer is complying with its warranty obligations or other homes. If the lender has reason to know, because of consumer complaints, dealer comments or other information concerning the manufacturer received in the course of business, that the manufacturer may not be complying with its warranty obligations, the lender shall ascertain whether such complaints against the manufacturer have been resolved, and whether the manufacturer is otherwise honoring its warranties. The lender's determination that a manufacturer is complying with its warranty obligations on other homes shall be supported with reasonable documentation in the loan file. Such documentation may reference information or materials contained in other files of the lender, provided that a responsible loan officer certifies that the leader's determination is supported by such other information or materials. Such a certification shall be placed in the loan file. When the lender determines that a manufacturer is not honoring its warranties, the loan under review shall not be eligible for insurance, unless an acceptable Manufactured Home Warranty Plan

consistent with paragraph (e) of this section is provided to the borrower.

(4) If the lender has reason to know that the home manufacturer is a debtor in a bankruptcy or insolvency proceeding, the lender has an additional responsibility prior to making a loan involving a new manufactured home. In such event, the lender must also ascertain that despite the manufacturer's financial circumstances the manufacturer intends to honor its warranty obligations to the borrower during the warranty period. The lender shall request the person controlling the affairs of the manufacturer during the bankruptcy or insolvency proceeding, such as the trustee or debtor in possession, to re-execute or affirm the warranty in writing. Documentation of this re-execution or affirmation shall be placed in the loan file, and the lender may rely upon such documentation that the warranty obligations to the borrower during the warranty period will be honored. In the absence of such documentation, the loan under review shall not be eligible for insurance, unless an acceptable Manufactured Home Warranty Plan consistent with paragraph (e) of this section is provided to the borrower.

(5) If the lender determines under paragraph (d)(3) of this section that a manufacturer is not honoring its warranties, or if the lender cannot obtain documented assurances under paragraph (d)(4) of this section that the warranty obligations to the borrower during the warranty period will be honored, the lender shall immediately notify the Secretary in writing, with documentation of the facts and circumstances.

(e) *Manufactured Home Warranty Plan.* (1) Where the lender determines that a loan under review involves a home manufacturer which is not complying with its warranty obligations on other homes, the loan may still be eligible for insurance if the home is covered by an acceptable Manufactured Home Warranty Plan offered by a private insurer and meeting the following requirements:

(i) It shall be effective upon delivery of the home to the borrower and shall provide coverage that is equivalent to or better than the manufacturer's warranty required under paragraph (d) of this section, in order to induce the Secretary to insure a loan for the purchase of a new manufactured home and to induce a borrower to purchase such a home;

(ii) It shall be provided by a private insurance carrier licensed to do business in the State where the manufactured home is to be placed;

(iii) It shall be provided without cost to the borrower;

(iv) It shall not provide for a deductible of any kind to be paid by the borrower;

(v) It shall contain a warranty that the home is free from defects in materials and workmanship;

(vi) It shall contain a warranty that the manufactured home has affixed to it the permanent label required by HUD regulations at 24 CFR 3280.8, which states as follows:

> As evidenced by this label No. ——, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on the date of manufacture. See data plate.

(vii) It shall obligate the warrantor to take appropriate corrective action, or pay for the cost of appropriate corrective action, in instances of nonconformity to the manufactured home standards prescribed by the Secretary that were in effect at the time the home was manufactured, and in instances of defects in materials or workmanship. The instances of nonconformity or defects must become evident within one year from the date of delivery of the home to the original purchaser (borrower) and be reported in writing to the warrantor or its designee by the purchaser or purchaser's transferee within one year and ten days from the date of delivery of the home to the original purchaser;

(viii) It shall not obligate the warrantor to correct or pay for the correction of defects or conditions in the home that occur as a result of abnormal usage or lack of proper maintenance; and

(ix) It shall cover the manufactured home structure, including the plumbing, heating and electrical systems and all appliances and equipment installed or built-in by the manufacturer.

(2) The lender shall review each Manufactured Home Warranty Plan offered as an alternative to the manufacturer's warranty in connection with a loan application for conformity with the requirements of paragraphs (e)(1) of this section. If the Plan is acceptable and the loan is insured under this part, the lender shall ensure that the borrower receives a copy of the Plan at the time the home is delivered. The lender shall retain a copy of the Plan and written confirmation of the Plan's acceptability in the loan file.

(3) If the lender determines that an insurer is not honoring its obligations under a Manufactured Home Warranty Plan, it shall immediately notify the Secretary in writing, with documentation of the facts and circumstances supporting the lender's determination.

(f) *Manufactured home site requirements.* (1) The manufactured home shall be placed either on a leased site in a manufactured home park or on an individual manufactured home lot or other site owned or leased by the borrower which meets the following requirements. A manufactured home may be placed on a site within Indian trust or otherwise restricted lands if the borrower owns or leases the site, or if the borrower obtains written permission acceptable to the Secretary from the trustee or the tribal authority who controls the use of the site.

(2) The manufactured home site shall be served by adequate public or community water and sewerage systems, unless appropriate local officials certify that it is economically infeasible to establish such systems or to provide an adequate level of service to the manufactured home site. If either or both such systems are not available, the manufactured home site shall comply with local or State minimum lot area requirements for the provision of on-site water supply and/or sewage disposal.

(3) Where the manufactured home is to be placed on a leased site in a manufactured home park, the borrower shall obtain a certification from the State or local authority which licenses such parks that the park complies with minimum standards relating to site location, vehicular access, water supply, sewage disposal, utility connections, storm drainage, site development and landscaping. Where no State or local licensing authority exists, or where the licensing authority does not establish or enforce minimum standards for park development, the borrower shall obtain a certification from a registered civil engineer that the park meets minimum design and construction standards prescribed by the Secretary.

(4) Where the manufactured home is to be placed on an individual manufactured home lot or other site owned or leased by the borrower (or on an Indian land site under paragraph (f)(1) of this section), the borrower shall obtain certifications from the appropriate local government officials that:

(i) The site is zoned to permit the placement of the manufactured home.

(ii) Adequate public access from a public right-of-way is available to the site,

(iii) Adequate water supply, sewage disposal and storm drainage facilities are available on the site, and

(iv) Other minimum local standards for site suitability are met.

Where there are no appropriate local officials, or where minimum local standards for vehicular access, water supply, sewage disposal, storm drainage and site suitability are not established or enforced, the borrower shall obtain a certification from a registered civil engineer that the site meets minimum design and construction standards prescribed by the Secretary.

§ 201.22 Credit requirements for borrowers.

(a) *Credit application and review.* (1) Before making a loan insured under this part, the lender shall exercise prudence and diligence to determine that the borrower is solvent and an acceptable credit risk, with a reasonable ability to make payments on the loan obligation. All documentation supporting this determination and relating to the lender's review of the borrower's credit shall be retained in the loan file.

(2) The lender shall obtain a separate credit application, executed by the borrower on a HUD-approved form, for each loan made. The lender shall conduct a credit investigation based on the credit application, and shall document verification of the borrower's employment during the previous two years, current income, and the source of any downpayment. The lender shall also determine the total amount of the borrower's existing and proposed Title I loans to ensure that the loan amounts in § 201.10 are not exceeded.

(3) As part of its credit investigation, the lender shall obtain a commercial credit report which identifies each credit account and the borrower's payment history. Credit inquiries listed on the commercial credit report shall be checked by the lender to ascertain all of the borrower's existing indebtedness. If a commercial credit report is not available, the loan file shall contain documentation that a diligent effort was made to obtain such a report.

(4) In the absence of information to the contrary, the lender may rely upon all statements of fact in the credit application in determining the borrower's eligibility for the loan.

(b) *Income requirements for manufactured home loans.* For any manufactured home loan, the credit application and review must establish that the borrower's income will be adequate to meet the periodic payments required by the loan. The borrower's income will generally be considered adequate if the total prospective housing expense does not exceed 38 percent of the borrower's net effective income, or if the total of the prospective housing expense and other recurring charges does not exceed 53 percent of the borrower's net effective income. Net effective income includes continuing income from all sources which may be reasonably expected to continue during the first two years of the loan obligation. If these limitations are exceeded, the borrower's income may be considered adequate only if the lender determines and documents in the loan file the existence of other factors with respect to the borrower's income and creditworthiness which support approval of the loan.

(c) *Evidence of delinquency, default or misrepresentation.* The loan proceeds shall not be disbursed if the lender has knowledge of any of the following circumstances:

(1) The borrower is past due more than 30 days on any obligation owed to or insured or guaranteed by the Federal government;

(2) The borrower has previously defaulted on another debt owed to or insured or guaranteed by the Federal government within the past five years and has not cured this prior default; or

(3) The borrower has previously furnished false or misleading information on applications for loans or other assistance.

§ 201.23 Borrower's required investment.

(a) *General requirement.* The borrower shall be responsible for payment of any costs which will not be paid or are not eligible to be paid from the proceeds of the loan. Such costs may include a loan origination fee, if imposed by the lender, any required downpayment, any other fees and charges which may not be financed, and any other costs in excess of the maximum loan obligation. No part of such costs may be borrowed, and no part may be advanced by any party to the loan transaction for the benefit of the borrower. Documentation of such costs shall be retained by the lender in the loan file.

(b) *Manufactured home purchase loans.* (1) In the case of a manufactured home purchase loan for a new home, the borrower shall make a minimum downpayment of at least five percent of the first $10,000 and 10 percent of the balance of the purchase price of the home.

(2) In the case of a manufactured home purchase loan for an existing home, the borrower shall make a minimum downpayment of at least 10 percent of the purchase price of the home.

(3) The borrower's equity in an existing manufactured home being traded-in on a new home may be accepted as full or partial downpayment. The existing manufactured home being traded-in shall be clearly identified, and the method used to determine the borrower's equity in the home shall be clearly documented.

(c) *Manufactured home lot loans.* In the case of a manufactured home lot loan, the borrower shall make a minimum downpayment of at least 10 percent of the total of the purchase price and development costs for the lot.

(d) *Combination loans.* In the case of a combination loan, the borrower shall make a minimum downpayment of at least five percent of the total purchase price of the manufactured home and lot. Where the borrower already owns a lot on which a manufactured home is to be placed, the borrower's equity in the lot may be accepted as full or partial downpayment on the combination loan.

§ 201.24 Security requirements.

(a) *Property improvement loans.* (1) Any property improvement loan (other than a manufactured home improvement loan) for $2,500 or more shall be secured by a recorded lien on the improved property. The lien shall be evidenced by a mortgage or deed of trust, executed by the borrower and all other owners in fee simple. Where the borrower is a lessee, the borrower and all owners in fee simple must execute the mortgage or deed of trust. Where the borrower is purchasing the property under a land installment contract, the borrower, all owners in fee simple, and all intervening contract sellers must execute the mortgate or deed of trust. The lien need not be a first lien on the property, except that, when the loan proceeds are used to supplement an uninsured loan made by the lender at the same time and in connection with the same property, the lien on the insured loan must have priority over any lien on the uninsured loan.

(2) Any property improvement loan (other than a manufactured home improvement loan) which is less than $2,500 shall be similarly secured if the total amount of all outstanding Title I loans obtained by the borrower or any co-maker or co-signer is $2,500 or more.

(3) Manufactured home improvement loans need not be secured.

(b) *Manufactured home loans.* Any manufactured home loan shall be secured by a recorded lien on the

property. The lien shall be a first lien, superior to any other lien on that property, and shall be evidenced by a properly recorded financing statement and security agreement or other acceptable security instrument (mortgage or deed of trust, chattel mortgage, or conditional sales contract), executed by the borrower and any other owner of the property.

(c) *Recording and perfection of security.* The lender shall assure that the legal description of the property as recited in the security instrument is accurate. The security instrument shall be recorded and perfected in the manner specified by applicable State law in the State where the property is located.

(d) *Substitution or subordination of security.* The Secretary may approve substitution or subordination of security where the security value will not be impaired or reduced.

(e) *Release of liability or lien.* The lender shall not release the borrower or any co-maker or co-signer from any liability under a note or from any lien securing a loan insured under this part without the prior approval of the Secretary.

§ 201.25 Charges to borrower to obtain loan.

(a) *Origination fee.* The lender may require that the borrower pay an origination fee, not to exceed one percent of the loan amount, excluding any amount to refinance the outstanding balance of an existing Title I loan made or held by the lender.

(b) *Fees and changes which may be financed.* (1) The following fees and charges incurred in connection with a property improvement loan may be included in the loan amount, so long as their inclusion does not increase the total principal obligation beyond the loan amounts permitted in § 201.10:

(i) Fees for architectural and engineering services;

(ii) Building permit costs;

(iii) Premiums for flood insurance, where applicable;

(iv) Credit report costs; and

(v) A fee for lender inspection of the property, not to exceed $50, but only where the total principal obligation is $7,500 or more.

(2) The following fees and charges incurred in connection with a manufactured home loan may be included in the loan amount, so long as their inclusion does not increase the total principal obligation beyond the loan amounts permitted in § 201.10:

(i) State and local sales taxes;

(ii) Premiums for comprehensive and extended coverage insurance and vendor's single-interest coverage for the first three years, including premiums for flood insurance, where applicable;

(iii) Costs of an extended homeowner's warranty on the manufactured home;

(iv) Credit report costs; and

(v) A fee for lender inspection of the property, not to exceed $50.

(c) *Fees and charges which may not be financed.* The following fees and charges incurred in connection with a loan insured under this part may be collected from the borrower, but may not be included in the loan amount, or otherwise financed or advanced by the lender:

(1) Recording fees, recording taxes, and filing fees;

(2) Documentary stamp taxes;

(3) Title examination and title insurance costs;

(4) Costs to establish a tax and insurance escrow account for the current year;

(5) Other fees necessary to establish the validity of a lien;

(6) Appraisal fees;

(7) Survey costs;

(8) Handling charges to refinance or modify an existing loan, not to exceed $25; and

(9) Such other items as may be authorized in advance by the Secretary.

§ 201.26 Conditions for loan disbursement.

(a) *Property improvement loans.* The lender shall comply with the following applicable requirements before disbursing the proceeds of a property improvement loan.

(1) The lender shall ensure that the borrower is eligible for a property improvement loan in accordance with § 201.20(a), and that the interest of the borrower and all other parties as owners in fee simple is valid, as evidenced by one of the following:

(i) A certified copy of the deed to the property (in the case of a manufactured home classified as personalty, a certified copy of the title);

(ii) A copy of the existing owner's or first lienholder's title policy;

(iii) A copy of the latest real estate tax billing;

(iv) A letter from the first lienholder identifying the owners of record; or

(v) A copy of the lease or land installment contract, where applicable.

(2) The lender shall obtain a copy of the contract between the borrower and the contractor or seller, for retention in the loan file. If there is no contract, the borrower shall be required to furnish a description of the work and a cost estimate for carrying out the work.

(3) Where the proceeds are to be used for an historic preservation loan, the lender shall ensure that the proposed improvements have been approved by the State Historic Preservation Officer in accordance with § 201.20(c).

(4) Where the proceeds are to be used for a fire safety equipment loan, the lender shall ensure that the proposed improvements have been approved by the State or local agency having jurisdiction over the fire safety requirements of health care facilities in accordance with § 201.20(c).

(5) In the case of a dealer loan, the lender shall obtain a completion certificate, on a HUD-approved form and signed by the borrower and the dealer, certifying that—

(i) The improvements have been completed,

(ii) The amount to be disbursed has been spent on eligible improvements in accordance with the contract or cost estimate furnished to the lender, and

(iii) The borrower has not obtained and will not receive any cash payment, rebate, cash bonus, sales commission, or anything of value in excess of $10 from the dealer as an inducement for the consummation of the transaction.

(6) Prior to making a dealer loan the lender shall mail or personally deliver a written notice to the borrower stating the terms and conditions of the loan and indicating the lender's intention to disburse the loan proceeds in accordance with the requirements of this part unless the borrower within six calendar days from the date of the notice notifies the lender of a decision to rescind the loan transaction.

(7) The lender shall obtain prior written authorization from the borrower and any co-signers or co-makers of the note if disbursement of the loan proceeds is to be made to someone other than the borrower. All signatures to the authorization must be genuine.

(b) *Manufactured home loans.* The lender shall comply with the following applicable requirements before disbursing the proceeds of a manufactured home loan.

(1) The lender shall ensure that the borrower is eligible for a manufactured home loan in accordance with § 201.21(a).

(2) The lender shall obtain the following documents for retention in the loan file:

(i) A signed copy of the purchase contract between the borrower and the dealer or seller;

(ii) A copy of the manufacturer's invoice, where the loan involves the purchase of a new manufactured home;

(iii) Itemized statements of other costs, fees and charges, whether paid by

the borrower or financed with the loan proceeds; and

(iv) Any other documents relating to the loan transaction.

(3) The lender shall obtain certifications from the borrower that:

(i) Where the proceeds are for a manufactured home lot loan, the borrower's manufactured home will be placed on the lot and will be occupied as the borrower's principal residence within six months after the date of the note;

(ii) The wheels and axles for transporting the manufactured home are being purchased with the loan proceeds (if this is not the case, an appropriate deletion shall be made on the manufacturer's invoice before calculating the amount of the loan);

(iii) While any portion of the loan obligation on a manufactured home purchase loan is unpaid, the manufactured home may be moved only to a new site in compliance with § 201.21 (c) and (f), and only with the lender's prior approval;

(iv) While any portion of the loan obligation on a combination loan is unpaid, the manufactured home will not be moved to a new site; and

(v) Prior to disbursement of the proceeds of a manufactured home loan the borrower will pay in full the unpaid balance on any other insured manufactured home loan secured by a different property, unless the Secretary waives this requirement.

(4) In the case of a manufactured home purchase loan or combination loan, the lender shall obtain a placement certificate on a HUD-approved form, signed by the borrower and the dealer or seller, certifying that—

(i) The manufactured home is to be occupied as the borrower's principal residence;

(ii) The manufactured home site meets the requirements of § 201.21(f);

(iii) The manufactured home was constructed, transported, and installed or erected on the site in compliance with the requirements of § 201.21(c); and

(iv) The borrower has not obtained and will not receive any cash payment, rebate, cash bonus, sales commission, or anything of value in excess of $10 from the dealer as an inducement for the consummation of the transaction.

(5) The lender shall obtain from the borrower those certifications which are required under § 201.10(f) to document the suitability of the manufactured home site.

(6) The lender shall establish a cash escrow equal to 10 percent of the loan proceeds or the cost of eligible furniture and other items included in the purchase price of the manufactured home, whichever is greater. The cash escrow shall not be released to the dealer or seller until after the lender conducts a site-of-placement inspection and determines that the requirements of paragraph (b)(7) of this section have been satisfied.

(7) The lender shall conduct a site-of-placement inspection to verify that:

(i) The terms and conditions of the purchase contract have been met;

(ii) Eligible furniture and other items included in the purchase price of the home are present and in proper working order; and

(iii) The placement certificate executed by the borrower and the dealer or seller is in order.

The results of the inspection shall be documented in the loan file.

(8) Where a manufactured home purchase loan involves a manufactured home which is to be located on Indian trust or otherwise restricted lands, the lender shall obtain written permission from the trustee or the tribal authority who controls the site for the lender to repossess the home in the event of default by the borrower and acceleration of the loan.

(9) Prior to making a dealer loan the lender shall mail or personally deliver a written notice to the borrower stating the terms and conditions of the loan and indicating the lender's intention to disburse the loan proceeds in accordance with the requirements of this part unless the borrower within six business days of the date of the notice notifies the lender of a decision to rescind the loan transaction.

(10) The lender shall obtain prior written authorization from the borrower and any co-signers or co-makers of the note if disbursement of the loan proceeds is to be made to someone other than the borrower. All signatures to the authorization must be genuine.

§ 201.27 Requirements for dealer loans.

(a) *Dealer approval.* (1) The lender shall approve only those dealers which the lender considers to be reliable, financially responsible, and qualified to satisfactorily perform their contractual obligations to the borrower. The lender's approval shall be documented on a HUD-approved form, signed and dated by the dealer and the lender, and containing information supplied by the dealer on its trade name(s), place(s) of business, type of ownership, type of business, employment history of the principals who control the business (i.e. individual, partnership, corporated owners, officers and directors), and identification of managers and salespersons. The lender shall require a current financial statement and a credit report on the dealer, and may require such other documentation as the lender deems necessary to support its approval of the dealer.

(2) The lender shall reapprove each dealer annually, based on a current financial statement and such other documentation as the lender deems necessary to support its reapproval of the dealer.

(3) The lender shall require each approved dealer to provide written notification of any material change in its trade name(s), place(s) of business, type of ownership, type of business, or principals who control the business. Such notification shall be furnished to the lender within 30 days after the date of any material change.

(4) The lender shall maintain a file on each approved dealer which contains the dealer approval form and evidence of annual reapprovals, financial statements and other documentation in support of the dealer approval, and information on the lender's experience with loans originated by the dealer, including records of completion or site-of-placement inspections conducted by the lender, letters of borrower's complaints and their resolution, and records of interviews conducted concerning the dealer's performance.

(5) As a condition of dealer approval, the lender may require a manufactured home dealer to execute a written agreement that, if requested by the lender, the dealer will resell any manufactured home repossessed by the lender under a manufactured home purchase loan originated by that dealer.

(b) *Provision for full or partial recourse.* In the case of a dealer-originated manufactured home purchase loan or combination loan, the lender and the dealer may agree to a provision in the loan documents for full or partial recourse against the dealer, to reduce or eliminate the lender's loss in the event of foreclosure or repossession. Such recourse provision shall specify that, for a default occurring within a period of not more than three years from the date of the note, the dealer shall reimburse the lender for a fixed percentage of the unpaid amount of the loan obligation, after deducting the proceeds from the sale of the property and any amounts received or retained by the lender after the date of default. However, the extent of the dealer's liability may not exceed 100 percent of the unpaid amount of the loan obligation prior to such deductions. The provisions shall specify that, if the dealer fails to honor its recourse obligation, the lender shall assign such obligation to the Secretary in filing an insurance claim.

(c) *Ineligible dealers.* No loan may be insured under this part where the lender knows or should have known that a dealer, or any individual participating in the loan transaction as a representative of the dealer, is ineligible to participate in the Title I program.

§ 201.28 Requirements for flood and hazard insurance.

(a) *Flood insurance.* In areas identified by the Secretary as having special flood hazards, no loan shall be eligible for insurance under this part unless flood insurance on the property is obtained by the borrower. Such insurance shall be maintained by the borrower for the full term of the loan, and in an amount at least equal to the principal balance outstanding on the loan.

(b) *Hazard insurance.* No manufactured home purchase loan or combination loan shall be eligible for insurance under this part unless hazard insurance on the manufactured home is obtained by the borrower. Such insurance shall be maintained by the borrower for the full term of the loan, and in an amount at least equal to the unpaid balance of the loan or the actual cash value of the home, or home and lot in combination, whichever is less. If the borrower fails to maintain such insurance and the home sustains damage which would normally be covered by such insurance, the appraised value of the home for claim purposes will be adjusted in accordance with § 201.53(b).

Subpart D—Insurance of Loans

§ 201.30 Reporting of loans for insurance.

(a) *Date of reports.* The lender shall transmit a loan report on the prescribed form to the Secretary within 31 days from the date of the note for any loan to be insured under this part. When a loan insured under this part is transferred to another lender, a new loan report shall be transmitted to the Secretary within 31 days from the date of the transfer.

(b) *Late reports.* The Secretary may accept a late report on a loan where the lender certifies that the obligation is not in default.

§ 201.31 Insurance charge.

(a) *Rate.* The lender shall pay to the Secretary an insurance charge equal to 0.50 percent per annum of the net proceeds of any eligible property improvement loan reported and acknowledged for insurance, and 0.54 percent per annum of the net proceeds of any eligible manufactured home loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for a period of 14 days or less, and a charge for a full month shall be made for a period of more than 14 days.

(b) *When payable.* On loans having a maturity of 25 months or less, payment of the insurance charge for the entire term of the loan is due and shall be received from the lender within 25 days after the date the Secretary acknowledges receipt of the loan report. On loans having a maturity in excess of 25 months, the insurnace charge is due and payable in annual installments. The first installment shall be received from the lender within 25 days after the Secretary's acknowledgement of the loan report, and the second and succeeding installments shall be received from the lender within 25 days after billing by the Secretary on an annual basis.

(c) *Late charge.* Insurance charges not received from the lender within the time period specified in paragraph (b) of this section shall be assessed a late charge of four percent of the amount of the payment. Insurance charges received from the lender more than 10 days after the time period specified in paragraph (b) of this section shall also be assessed daily interest at a rate established by the Department of the Treasury (current value of funds rate), as published periodically in the **Federal Register.** However, no later charge or daily interest shall be assessed if the Secretary fails to acknowledge receipt of the loan report or fails to issue a proper billing to the lender for the insurance charges.

(d) *Adjustment on notes transferred.* Where there is a transfer of obligations between lenders and the insurance charges on such obligations have already been paid, any adjustment of such charges shall be made by the lenders involved. Any unpaid installments of the insurance charge shall be paid by the purchasing lender.

(e) *Refund or abatement of insurance charges.* A lender shall be entitled to a refund or abatement of insurance charges only in the following instances:

(1) Where the obligation has been refinanced, the unearned portion of the charge on the original obliation shall be credited to the charge on the refinanced loan.

(2) There the obligation is prepaid in full or an insurance claim is filed, charges falling due after such prepayment or claim shall be abated.

(3) When a loan (or portion thereof) if found to be ineligible for insurance, charges paid on the ineligible portion shall be refunded, except where the Secretary determines that there was fraud or misrepresentation by the lender in the loan transaction. Such refund shall be made only if a claim is denied by the Secretary or the ineligibility is reported by the lender promptly upon discovery and confirmed by the Secretary. In no event shall a charge be refunded on the basis of loan ineligibility where the application for refund is made after the loan is paid in full. If a loan or claim has been denied and is subsequently resubmitted, the refunded amount of the insurance charge plus any accrued insurance charge shall be repaid.

(f) *Lender passing insurance charge on to borrower.* The insurance charge may be passing on to borrower, provided that such charge is fully disclosed to the borrower.

§ 201.32 Insurance reserve.

(a) *Legal limit.* Subject to the limitations in Title I of the Act, the Secretry will reimburse for losses sustained by lenders in accordance with the general insurance reserve provisions of paragraph (b) of this section.

(b) *General insurance reserve.* The Secretary shall maintain for each lender a general insurance reserve equal to 10 percent of the aggregate amount advanced by the lender on all eligible loans originated under this part, less the amount of all claims approved for payment in connection with such loans, and less the amount of any adjustment made in accordance with paragraph (c) of this section.

(c) *Adjustment of general insurance reserve.* The Secretary shall not make any adjustment to the general insurance reserve of any lender until the expiration of 60 months after the lender is issued a contract of insurance by the Secretary. Thereafter, on October 1 of each year, the Secretary shall adjust the general insurance reserve of each lender by deducting from it an amount equal to 10 percent of such insurance reserve on the records of the Secretary as of that date; however, such adjustment shall not reduce the insurance reserve of any lender to an amount less than $50,000. No adjustment to the insurance reserve of any lender shall be made after the termination of the insurance contract issued by the Secretary, or after the termination of the Secretary's authority to insure under Title I of the Act.

(d) *Transfer of insured loans.* The lender shall not assign or transfer any insured loan or loan reported for insurance to a transferee not holding a contract of insurance under this part; however, nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in

connection with a bona fide loan transaction.

(e) *Transfer of general insurance reserve.* Not more than $5,000 shall be transferred to or from the general insurance reserve account of any lender during any fiscal year (October 1 through September 30) without the prior approval of the Secretary. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee or repurchase agreement, the reports required by § 201.30 shall indicate the intent of the parties with respect to the transfer of the insurance reserve. Unless the approval of the Secretary is obtained, the insurance reserve shall be transferred as follows:

(1) On loans which are used to back or collaterize securities (or participation certificates) that are issued by the lender and are guaranteed by the Government National Mortgage Association, the lender or another party, the corresponding reserves shall be maintained in the lender's reserve account on a non-earmarked basis.

(2) In case involving the transfer of notes sold without recourse, guaranty, guarantee or repurchase agreement, whether current or past due, the loans and reserves shall be transferred to the reserve account of the purchasing lender on an earmarked basis. Any reserves transferred on an earmarked basis shall be available only for the payment of claims on the transferred loans, and claims on such loans can be paid only up to the amount of such earmarked reserves. If the loans relating to an earmarked reserve have been paid in full or have been terminated, the balance of the unclaimed, earmarked reserve shall be eliminated from the purchasing lender's reserve account.

(3) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(f) *Recovery shall not affect reserve.* Amounts which may be recovered by the Secretary after payment of an insurance claim shall not be added to the insurance reserve remaining to the credit of the lender.

Subpart E—Loan Administration

§ 201.40 Post-disbursement loan requirements.

(a) *Discovery of misstatements of facts.* If, after the loan has been made, the lender discovers any material misstatement of fact or that the loan proceeds have been misused by any party to the transaction, it shall promptly report this to the Secretary. In such case, the insurance of the loan shall not be affected unless such material misstatement of fact or misused of loan proceeds was caused by or was knowingly sanctioned by the lender or its employees (see § 201.31(e)(3)).

(b) *Requirements on property improvement loans.* (1) After receiving the proceeds of a direct property improvement loan, and after the work is completed to the borrower's satisfaction, the borrower shall submit a completion certificate to the lender, on a HUD-approved form and signed by the borrower and the contractor or seller, certifying that:

(i) The improvements have been completed;

(ii) The amount borrowed has been spend on eligible improvements in accordance with the contract or cost estimate furnished to the lender prior to disbursement of the loan proceeds; and

(iii) The borrower has not obtained and will not receive any cash payment, rebate, cash bonus, sales commission, or anything of value in excess of $10 from the contractor or seller as an inducement for the consummation of the transaction.

The borrower shall submit the completion certificate promptly upon the work's completion, but not later than six months after the disbursement of the loan proceeds, with one six-month extension if necessary.

(2) The lender shall conduct an on-site inspection on any property improvement loan where the principal obligation is $7,500 or more, and on 10 percent of its property improvement loans where the principal obligation is less than $7,500. The inspection shall be conducted after receipt of the completion certificate. If no completion certificate is received for a property improvement loan, the lender shall conduct an inspection not later than 12 months after the disbursement of the loan proceeds. The purpose of the inspection is to verify the eligibility of the improvements and whether the work has otherwise been completed in accordance with the contract or cost estimate furnished to the lender prior to disbursement of the loan proceeds.

(3) At the time of completion, the lender shall require that the borrower remit to the lender any available unused loan proceeds. Such amounts shall be applied to reduce the principal obligation of the loan through partial prepayment or through the execution of a loan modification agreement, without penalty or charge to the borrower and with no deferral of any scheduled payment.

§ 201.41 Loan servicing.

(a) *Generally.* The lender shall service loans in accordance with accepted practices of prudent lending institutions, shall have adequate facilities for contacting the borrower in the event of default, and shall otherwise exercise diligence in collecting the amount due. The lender shall remain responsible to the Secretary for proper collection efforts, even though the actual servicing and collection may be performed by an agent of the lender. The lender shall have an organized means of identifying, on a periodic basis, the payment status of delinquent loans to enable collection personnel to initiate and follow-up on collection activities, and shall document its records to reflect its collection activities on delinquent loans.

(b) *Partial payments.* The lender shall accept any partial payment (inclusive of late charges) and either apply it to the borrower's account or hold it in a trust account pending disposition. When partial payments held for disposition aggregate a full monthly installment, they shall be applied to the borrower's account, thus advancing the date of the oldest unpaid installment. A partial payment may be returned to the borrower, with a letter of explanation, if the partial payment is received more than 60 days after the date of default.

§ 201.42 Bankruptcy, insolvency or death of borrower.

The lender shall file a proof of claim with the court having jurisdiction in cases where a borrower has declared bankruptcy or insolvency or is deceased. Documentation of such proof of claim shall be retained in the lender's loan file. In addition, where a borrower has declared bankruptcy, the notice of bankruptcy shall be retained in the loan file.

§ 201.43 Administrative reports and examinations.

The Secretary may call upon a lender for any reports deemed necessary in connection with the regulations in this part and may inspect the books or accounts of the lender as they pertain to the loans reported for insurance.

Subpart F—Default Under the Loan Obligation

§ 201.50 Lender efforts to cure the default.

(a) *Foreclosure or repossession as a last resort.* Foreclosure of repossession of the property securing a Title I loan shall be undertaken only after the lender has assured itself that the loan servicing has been handled in accordance with the requirements of this part, and that

every reasonable measure has been taken to bring the loan account current. The lender shall fully document all actions taken to cure the default and avoid foreclosure or repossession.

(b) *Personal contact with the borrower.* Prior to taking action to accelerate the loan in the event of default, the lender shall arrange for a face-to-face meeting with the borrower, or make a reasonable effort to do so, within 30 days after the date of default. The purpose of the meeting is to assist the borrower to cure the default by bringing the loan account current or by working out an acceptable repayment plan. Such a meeting will not be required if—

(1) The borrower brings the account current or agrees to a repayment plan;

(2) A reasonable effort to arrange a meeting with the borrower is unsuccessful; or

(3) The borrower cannot be located or indicates a refusal to meet with the lender.

(c) *Notice of default and acceleration.* Unless the borrower brings the loan account current or works out an acceptable repayment plan within 30 days after the date of default, the lender shall thereafter provide the borrower with written notice that the loan is in default and that unless the default is cured within 30 days from the date of the notice the lender will accelerate the loan on or after a date 30 days from the date of the notice. This notice shall be sent by registered or certified mail and shall contain:

(1) A description of the obligation or security interest held by the lender;

(2) The nature of the default claimed;

(3) A demand upon the borrower to make full payment to the lender of the unpaid principal and earned interest due on the note as of the date 30 days from the date of the notice;

(4) The specific actions which the lender intends to take at the expiration of the 30-day notice period;

(5) A statement that the borrower may cure the default at any time prior to the specified actions, and indicating the exact manner for doing this, including the sum of money which must be paid and the office address to which payment must be sent; and

(6) Any other requirements prescribed by the Secretary.

(d) *Inspection of manufactured homes.* When a manufactured home loan is in default and the default notice period has expired, the lender shall make a visual inspection of the property, determine whether the property is vacant or abandoned, and prepare a report on its condition for placement in the loan file. In all cases of vacancy or abandonment, the lender shall take reasonable steps to preserve and maintain the property, including any items of removable personal property covered by the loan.

(e) *Reinstatement of the loan.* If the borrower cures the default before the lender has initiated foreclosure or repossession proceedings, the lender shall reinstate the loan as if the default had not occurred. If the lender has accelerated the loan, the lender may reinstate the loan upon the satisfaction of the lender's requirements for curing the default and reimbursement by the borrower of any expenses incurred by the lender in initiating foreclosure or repossession proceedings.

§ 201.51 Proceeding against the loan.

(a) *Property improvement loans.* (1) Upon default on a secured property improvement loan, the lender may either proceed against the security or make claim under its contract of insurance. If the lender proceeds against the security, the lender may not submit an insurance claim for any deficiency balance which may result.

(2) The lender may not pursue both remedies under paragraph (a)(1) of this section unless the Secretary grants prior approval, after considering the amount of all encumbrances and the appraised value of the property, as determined by a HUD-approved appraiser. If such prior approval is granted, the lender shall proceed against the security in compliance with all applicable State and local laws, and shall take all actions necessary to preserve its rights to obtain a valid and enforceable deficiency judgment. Where a power of sale is permitted in the particular State, the lender shall not be required to use the judicial foreclosure procedures of the State.

(3) Upon default on an unsecured property improvement loan, the lender may submit a claim under its contract of insurance.

(b) *Manufactured home loans.* Upon default on a manufactured home loan, the lender shall proceed against the security by foreclosure or repossession, as appropriate, in compliance with all applicable State and local laws, and shall acquire good, marketable title to the property securing the loan. Where possible under State and local law, the lender shall also take all actions necessary to preserve its rights to obtain a valid and enforceable deficiency judgment.

§ 201.52 Acquisition by voluntary conveyance.

With the prior approval of the Secretary, the lender may accept a voluntary conveyance of the property securing a manfactured home loan which is in default, provided that—

(1) The lender accepts the conveyance in full satisfaction of borrower's obligation, and

(2) No claim is submitted under its contract of insurance.

§ 201.53 Disposition of property.

(a) *Property improvement loans.* Where the lender has obtained the prior approval of the Secretary under § 201.51(a)(2) and acquires title to property securing a property improvement loan, the property shall be sold for the best price obtainable before making an insurance claim. The best price obtainable shall be the greater of—

(1) The actual sales price of the property, less the cost of repairs to make the property marketable, or

(2) The appraised value of the property before repairs, as determined by a HUD-approved appraiser.

(b) *Manufactured home loans.* Where the lender obtains title to property by repossession or foreclosure upon a manufactured home loan, the property shall be sold for the best price obtainable before making an insurance claim. In the case of a combination loan, the manufactured home and lot shall be sold in a single transaction and the manufactured home may not be removed from the lot, unless the prior approval of the Secretary is obtained for a different procedure. The best price obtainable shall be the greater of:

(1) The actual sales price of the property, less the cost of repairs to make the property marketable, or

(2) The appraised value of the property before repairs (as determined by a HUD-approved appraiser), which may reflect the retail value of comparable manufactured homes in similar condition and in the same geographic area, as listed in a current value rating publication acceptable to the Secretary.

Where the manufactured home is without hazard insurance and has sustained damage which would normally be covered by such insurance, the lender shall report this situation in submitting an insurance claim, and shall assure that the appraised value is based upon the retail value of comparable homes in good condition and in the same geographic area, without any deduction for such damage.

§ 201.54 Insurance claim procedure.

(a) *Effective date.* The provisions of this section shall apply to all loans in default on or after the effective date of these regulations.

(b) *Claim application.* A claim for reimbursement for loss on any eligible loan shall be made on a HUD-approved form executed by a duly qualified officer of the lender. The insurance claim shall be fully documented and itemized, and shall be accompanied by the complete loan file pertaining to the transaction, including all documents and materials required to be retained in the file under this part. The loan file shall contain the original documents, except that copies may be submitted where State or local law requires retention of the original documents by the lender. As appropriate, the claim application shall be supported by the following:

(1) Documentation of the lender's efforts to effect recourse against any dealer in accordance with their agreement at the time of loan origination;

(2) Certification that the lender has complied with all applicable State and local laws in carrying out any foreclosure or repossession, including copies of all notices served upon the borrower or published in connection with such foreclosure or repossession; and

(3) Where a borrower has declared bankruptcy or insolvency or is deceased, the notice of bankruptcy and evidence that the lender has filed a proof of claim with the court having jurisdiction.

(c) *Maximum claim period.* A claim shall be filed no later than the following dates:

(1) For property improvement loans—12 months after the date of default.

(2) For manufactured home purchase loans—12 months after the date of default.

(3) For combination loans and manufactured home lot loans—18 months after the date of default.

(d) *Extensions of the claim period.* Upon presentation of the facts of a particular case within the allowable maximum claim period, the Secretary may extend the maximum claim period. In computing the claim, no interest will be allowed for the period of the extension.

(e) *Valid and enforceable judgment.* If the Secretary determines that the validity or enforceability of the note submitted in connection with an insurance claim may be in doubt, the Secretary may require the lender to obtain valid and enforceable judgment against the borrower for the balance of the loan before accepting the claim for payment.

(f) *Assignment of lender's rights to the United States.* Upon the filing of the insurance claim, the lender shall assign its entire interest in the note, any security held or judgment obtained, and any claim filed in probate or insolvency proceedings, to the United States of America. The assignment shall be made in the form provided in paragraph (g) of this section, provided that if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable in the jurisdiction where the judgment or security was taken shall be used. The assignment shall be recorded in that jurisdiction prior to filing the insurance claim.

(g) *Form of assignment.* The following form of assignment, or one generally acceptable in the jurisdiction involved, properly dated, shall be used in assigning the entire interest of the lender in the event of a claim for reimbursement:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America (HUD).

(Financial Institution)
By: _____
Title: _____
Date: _____

(h) *Denial of claim.* The Secretary may deny a claim for insurance in whole or in part based upon a violation of these regulations, unless a waiver of compliance with the regulations is granted under § 201.5.

(i) *Incontestability of claim payment.* Any claim payment shall be final and incontestable after two years from the date the claim was certified for payment by the Secretary, in the absence of fraud or misrepresentation on the part of the lender, unless a demand for repurchase of the obligation is made on behalf of the United States prior to the expiration of the two-year period.

§ 201.55 Calculation of insurance claim.

The lender will be reimbursed for its losses on eligible loans up to the amount of its general insurance reserve if the claim is made in accordance with the requirements of this part. The amount of the reimbursement shall be computed as follows:

(a) *Loans in default before the effective date.* For loans in default before the effective date of these regulations, the claim payment shall be calculated according to the provisions in effect before the effective date of these regulations.

(b) *Property improvement loans.* For property improvement loans in default on or after the effective date of these regulations, the claim payment shall be calculated by adding the following amounts:

(1) 90 percent of the unpaid amount of the loan obligation (net unpaid principal and the uncollected interest earned to the date of default, calculated according to the actuarial method). Where the lender has foreclosed upon and resold the property, the unpaid amount of the loan obligation shall be reduced by the best price obtainable for the property, as determined in accordance with § 201.53(a), before applying the 90 percent factor.

(2) 90 percent of the interest on the unpaid amount of the loan obligation from the date of default to the date of the claim's certification for payment, calculated at either seven percent per annum or the annual interest rate on the note less five percent, whichever is greater. However, interest shall not be paid for any period greater than 12 months.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing a summons.

(4) Attorney's fees and charges actually paid, limited to the following:

(i) Fees on an hourly or other basis for time actually expended and billed, not to exceed $500;

(ii) $25 for expenses of recording the assignment of the security to the United States; and

(iii) Actual out-of-pocket costs for foreclosure proceedings, but not to exceed costs which are customary and reasonable in the jurisdiction where the foreclosure takes place, as determined by the Secretary.

(c) *Manufactured home loans.* For manufactured home loans in default on or after the effective date of these regulations, the claim payment shall be calculated by adding the following amounts:

(1) 90 percent of the unpaid amount of the loan obligation (net unpaid principal and the uncollected interest earned to the date of default, calculated according to the actuarial method), after deducting the following amounts:

(i) The best price obtainable for the property after lawful repossession or foreclosure, as determined in accordance with § 201.53(b);

(ii) Amounts received by the lender after the date of default from any source relating to the property on account of rent, insurance, other income, or recourse recovery against the dealer; and

(iii) Amounts retained by the lender after the date of default, including amounts held or deposited to the account of the borrower or to which the lender is entitled under the loan transaction, and which have not been

applied in reduction of the borrower's indebtedness.

(2) 90 percent of the interest on the unpaid amount of the loan obligation from the date of default to the date of the claim's certification for payment, calculated at either seven percent per annum or the annual interest rate on the note less five percent, whichever is greater. However, interest shall not be paid for any period greater than 12 months in the case of a manufactured home purchase loan, or greater than 18 months in the case of a combination loan or a manufactured home lot loan.

(3) For manufactured home purchase loans, charges paid to a dealer or other third party to repossess the manufactured home and to preserve the lender's security interest in the home (including payment of hazard insurance premiums, personal property taxes and site rental, where appropriate), but not to exceed $850 for a single-module home and $1,350 for a multi-module home maintained on-site, and not to exceed $500 for a single-module home and $1,000 for a multi-module home removed to an off-site location.

(4) A sales commission paid to a dealer, real estate agent or other third party for the resale of the repossessed or foreclosed manufactured home and/or lot. Where the home is resold on-site, the commission shall not exceed 10 percent of the sales price. Where the home is resold off-site, the commission shall not exceed seven percent of the sales price.

(5) Where the repossessed or foreclosed manufactured home and/or lot are classified as realty, 90 percent of:

(i) State or local real estate taxes, ground rents, and municipal water and sewer fees or liens, prorated to the date of disposition of the property;

(ii) Special assessments which are noted on the loan application or which become liens after the insurance is issued, prorated to the date of disposition of the property;

(iii) Premiums for hazards insurance on the insured property, prorated to the date of disposition of the property; and

(iv) Transfer taxes imposed upon any deeds or other instruments by which the property was acquired by the lender.

(6) Uncollected court costs, including fees paid for issuing, serving, and filing a summons.

(7) Attorney's fees and charges actually paid, limited to the following:

(i) Fees on an hourly or other basis for time actually expended and billed, not to exceed $500;

(ii) $25 for expenses of recording the assignment of the security to the United States; and

(iii) Actual out-of-pocket costs for repossession or foreclosure proceedings, but not to exceed costs which are customary and reasonable in the jurisdiction where the repossession or foreclosure takes place, as determined by the Secretary.

Dated: June 13, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing, Federal Housing Commissioner.

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Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 590

[Docket No. R-84-1177; FR 1624]

Urban Homesteading Program; Deregulation and Implementation of 1983 Statutory Amendments

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Community Planning and Development.

ACTION: Proposed rule.

SUMMARY: The Department proposes to revise the regulation governing participation in the Urban Homesteading Program to: (1) Eliminate duplicative and reduce burdensome requirements, (2) strengthen fraud, waste and mismanagement controls, and (3) implement amendments required by the Housing and Urban-Rural Recovery Act of 1983, Pub. L. No. 98-181 (the 1983 Act).

DATES: Comments must be received by September 4, 1984.

ADDRESS: Comments should be addressed to: Rules Docket Clerk, Room 10278, Department of Housing and Urgan Development, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410. Please refer to the docket number shown in the heading of this proposed rule. Comments received will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Raymond J. Solecki, Director, Urban Homesteading Program, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5324. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following is a summary and explanation of the proposed amendments.

The purpose of this proposed legislation is to: (1) Eliminate duplication and reduce burdensome requirements, (2) strengthen fraud, waste and mismanagement controls, and (3) implement amendments required by the 1983 Act. The Department wishes to make clear that this Part does not apply to either of the newly authorized demonstrations (i.e., the Multifamily Urban Homesteading Demonstration or the Locally Owned Property Demonstration). The demonstrations will be implemented separately, by notice in the **Federal Register.**

Throughout the regulation, changes of two kinds have been made which will not be discussed further in the following section-by-section analysis. First, the regulation eliminates all references to the Section 312 Rehabilitation Loan Program. Since the regulations for the Section 312 Program appear at 24 CFR Part 510, it is unnecessary to refer to them here. Within funding limitations, section 312 rehabilitation loan funds will continue to be available for use in HUD-approved urban homesteading neighborhoods on a priority basis for as long as the Section 312 Program is operational. References to the Section 312 Program have been deleted from the following former sections: § 590.3 (Purpose of program); § 590.5 (Definitions); § 590.7(a) (Designation of urban homesteading neighborhood); § 590.17(b)(5)(ii) and (b)(5)(iii)(B) (Transfer of HUD-owned property); § 590.19 (Implementing funds); and § 590.21, (Reduction of funds). Second, the regulation also eliminates explanatory material that was not necessary to the reader's understanding and, where necessary, makes clarifying editorial changes. Unless these deletions and changes are substantive in nature, they will not be identified in the following commentary.

Scope and Purpose

In § 590.1 (Scope and purpose of regulation), former paragraph (b) (highlights of the subjects covered by the rule) is deleted as unnecessary and former § 590.3 (Purpose of program) is revised and combined with § 590.1.

Waiver

Section 590.3 gives HUD new authority to waive regulatory provisions which are not legally mandated when undue hardship would result or the requirement would adversely affect achievement of the purposes of the program.

Definitions

Section 590.5 (Definitions) is rearranged to place the definitions in alphabetical order. In addition, former

paragraph (j), defining "neighborhood strategy area," and (k), defining "private non-profit entity," are deleted, because these terms are no longer used in the text of this Part. The explanation of § 590.7(a) discusses the elimination of "neighborhood strategy area." Section 590.17(c)(3) discusses the elimination of "private nonprofit entity."

Former paragraphs (c) and (f) defining HUD, Agriculture (FmHA) and VA-owned properties, are combined with former paragraph (m) in the definition of "Federally-owned property." This definition is also amended to implement the language in section 122(b) of the 1983 Act changing the former statutory term "not occupied" to "not occupied by a person legally entitled to reside there." Since the Department considers only individuals or families under a current lease "legally entitled to reside" in its properties, this has been explicitly stated in the regulation. The term "FmHA," which refers to the Farmers Home Administration, has been added to § 590.5. FmHA is the agency within the Department of Agriculture that administers the single family housing program, among other responsibilities.

Program Requirements

Section 590.7(a) (Designation of urban homesteading neighborhood/coordinated approach toward neighborhood improvement) is amended to include the statutory requirement for a "coordinated approach toward neighborhood improvement," which was formerly found in § 590.7(b)(6). We have simplified the description of the required plan and have included language which considers "other known public and private revitalization efforts" as part of the "coordinated approach toward neighborhood improvement." In connection with these changes, we have eliminated all reference to "neighborhood strategy areas" and other "area(s) designated by the applicant." The proposed new language of § 590.7(a) provides a standard that is a reasonable response to the statutory requirement for "a coordinated approach toward neighborhood improvement through the homestead program and the upgrading of community services and facilities" and that may be used as a criterion for designating urban homesteading neighborhoods. Although "neighborhood strategy area" has been eliminated from this part and Part 570 (regulations governing the Community Development Block Grant Program), areas formerly designated as neighborhood strategy areas may still qualify for eligibility for urban homesteading if they meet the requirements of this part. These changes simplify the regulatory criteria for designation of these and other neighborhoods for urban homesteading, and they lessen the paperwork HUD requires for designation. Former § 590.7(b)(6)(ii)(C), relating to the mitigation of adverse effects from the homesteading program on low and moderate income persons, is deleted. Since single family properties are conveyed vacant, there is no direct displacement. Given the new targeting priority for lower income persons, more such persons should qualify thereby reducing any indirect displacement.

Section 590.7(b) (Development of local urban homesteading program) is amended by renumbering paragraphs (b)(1)–(5) as (b)(2), (3), (5), (6) and (7), respectively, and inserting new paragraphs (b)(1) and (4). Paragraph (b)(1) fills a gap in prior regulations for providing for the interim management of Federally-owned properties. It also includes the local urban homesteading agency's (LUHA's) assumption of liability for injury or damage to persons or property formerly found in the certifications at § 590.11(b)(10). Paragraph (b)(4) requires the LUHA to assist the homesteader in securing financing or, if it chooses, to provide financing for the rehabilitation required by the homesteader agreement. This is not a new requirement; it was formerly part of the certifications at § 590.11(2)(iii).

Language is added to redesignated § 590.7(b)(6) requiring the LUHA to monitor the homesteaders' compliance with the urban homesteading obligations and, to the extent possible, to select a successor homesteader in the event of noncompliance. In a related change, new paragraph (b)(5)(v) requires the homesteader to surrender possession of the homestead property upon default, including default in the rehabilitation financing. In addition, a new paragraph (c) addresses alternative use for properties, if completion of homesteading proves infeasible after a LUHA has accepted title to a property. Finally, authority for a new remedial action is included in § 590.31 should a LUHA convert a property to its own use contrary to § 590.7(c). These related changes will strengthen internal controls and local accountability for selection, maintenance, and monitoring of homesteading properties and will help to eliminate fraud, waste and mismanagement pursuant to OMB Circular A–123.

Section 590.7(b)(2) (Homesteader selection) is redrafted to implement section 122(d) of the 1983 Act. Implementing the specific new requirements for "equitable selection" of homesteaders imposed by section 122(d) requires careful delineation of the meaning of the new Federal requirements in the context of the local program discretion inherent in the Urban Homesteading Program.

New paragraph (b)(2)(i) requires LUHAs to disqualify prospective homesteaders "who own other residential property * * *". New section 810(b)(7)(B) of the Community Development Act of 1974 (1974 Act) requires LUHAs to "exclude applicants who are currently homeowners" from their "equitable procedures for selecting recipients." While "homeowners" can be interpreted to cover only those families who both own and reside in their property, the Department has taken the position that any individual who owns residential property should be excluded. In our view, the priority was intended to help those with an actual need for affordable standard housing. Those who already own such housing generally lack this need, whether or not they choose for personal reasons to live in their property. The Department has, however, included a limited waiver provision to cover situations where undue hardship might result. HUD anticipates that it will issue waivers on a case-by-case basis, in writing, only where the prospective homesteader establishes he or she cannot reside in the owned property due either to its unsuitability given the family's size or other factors making occupancy impossible. Due to the Department's limited experience with this provision and the administration of authority for exceptions to it, we do not propose to prescribe more detailed standards for waiver of this requirement at this time. The Department will, however, issue further guidance on the meaning of this provision, including examples, in the revised Urban Homesteading Handbook which is being prepared.

New paragraph (b)(2)(ii) tracks the language of new section 810(b)(7)(C) of the 1974 Act. The Department interprets this paragraph as broadly requiring a LUHA's equitable procedures for homesteader selection to take into account all of a prospective homesteader's qualifications to undertake the rehabilitation and the obligations of homeownership. The LUHA must be prepared to identify and consider the homesteader's prospects for obtaining assistance from other public and private sources, including community organizations, as well as his or her own ability to contribute a substantial amount of labor or other resources to the homesteading process.

In this context, "assistance" means not only labor, but also technical advice and services as well as financial assistance. However, the LUHA will also be expected to obtain reasonable commitments, such as appropriate conditions in the homesteader agreement, that the homesteader's contributions, and those from other sources, will actually be forthcoming on a timely basis. In addition, we do not view section 810(b)(7)(C) of the 1974 Act as preempting, or prohibiting a State or local government from enforcing, State and local laws, ordinances, and regulations which are generally applicable to similar rehabilitation projects.

New paragraph (b)(2)(iii) implements the "special priority" required by new section 810(b)(7)(A) of the 1974 Act. This paragraph requires LUHAs to offer a section 810 property to otherwise qualified appliants who meet the critiera for the special priority in subparagraphs (A), (B) and (C) (which are discussed individually below), before offering the property to any applicant who does not qualify for the priority. All three criteria must be met for the statutory priority to apply, but the Department encourages LUHAs to extend the priority to those who meet two of the three criteria. However, the special priority does not require a LUHA to hold a property for a homesteader who meets all the priority criteria if the LUHA has no such applicant at the time the property is ready for conveyance, or all the applicants who do so qualify refuse the property. In such a case, the need for efficient and expeditious administration of the program dictates that the property be offered to applicants who do not qualify for the priority.

With respect to the requirement that the prospective homeowners current housing fails to meet health and safety standards in paragraph (b)(2)(iii)(A), the Department has added the word "local" to the statutory language, to make clear that we intend to rely upon local standards as to the condition of a prospective homesteader's existing housing for purposes of applying the priority.

With respect to paragraph (b)(2)(iii)(B), the statute requires that an individual or family be paying "in excess of 30 percent of their income for shelter" in order to qualify for the priority. Section 102(c) of the 1983 Act changed the definition of low and moderate income applicable in the CDBG program to track the definition of lower income applicable to the Department's section 8 assisted housing programs. The Department, therefore, believes that the Congress probably intended "income" here to refer to adjusted family income, determined on the same basis as in the section 8 program, and "shelter" to refer to rental costs, including the utility allowance for the Section 8 Existing Housing (Certificate) Program, if applicable. Thus, the Urban Homesteading Program is another housing alternative for families paying more than 30 percent of their incomes for housing. This alternative is not available for most families already receiving public housing or section 8 assistance, since most families under these programs are paying exactly 30 percent of their adjusted incomes for housing.

With respect to § 590.7(b)(2)(iii)(C), the Department expects LUHAs to establish local priority standards reasonable reflective of a family's or individual's inability to acquire improved housing without homesteading "within the foreseeable future," as the 1983 Act requires. In this connection, the Department does not consider conditions of a temporary nature to be sufficient to qualify a family or individual for the special priority. Examples of conditions likely to be temporary are short-term loss of employment where there are good prospects of reemployment at a substantial income, and college students whose currently low incomes are likely to increase. In addition, the Department views this priority as based on prospects for improved housing in general, not homeownership *per se*. Improved housing can also be accomplished through renting standard units, in addition to buying a home. A prospective homesteader's inability to acquire improved housing by *any* means other than through homesteading is the standard intented by the regulations.

Given the new equitable selection, special priority, and homesteader agreement provisions of the 1983 Act and these regulations, the question arises as to how those requirements apply to ongoing local urban homesteading programs and homesteaders whose applications were in process when the 1983 Act was passed.

The statutory amendments in question were effective on November 30, 1983, but they affected HUD's authority to approve local urban homesteading programs, rather than applying directly to such programs. HUD currently approves local programs and issues new fund reservations on a Federal fiscal year basis, and we did not approve or renew any local programs or permit any FY 1984 reservations to be made during November or December of 1983. As soon as possible after passage of the 1983 Act, we issued interim instructions to our Field Offices on approval and renewal of local urban homesteading programs and use of funds for FY 1984. Those instructions, in effect, provided that any prospective homesteader who was notified before December 30, 1983, of selection under a LUHA's pre-1983 Act procedures could continue as a homesteader, if the homesteader qualified for a property acquired with 1983 funds and if he or she executed a homesteader agreement which met the new requirements. Furthermore, we gave HUD Field Offices authority to grant relief from the foregoing restrictions in appropriate hardship cases. Finally, we stated that homesteader agreements executed before December 30, 1983, under previously approved local urban homesteading programs, were not affected by the 1983 Act or our interim instructions.

Our interim instructions also required our Field Offices to include in all 1984 program participation agreements with LUHAs the relevant language of the 1983 Act, but we could not at that time include any further interpretation or guidance as to the meaning of those provisions. During the remainder of FY 1974, therefore, LUHAs are required to follow the provisions of the 1983 Act specifically included in their agreements with HUD, and we expect them informally to consult with HUD as to the meaning of the various provisions and to follow the advice given. However, we recognize that such advice is necessarily non-binding, and our enforcement efforts in 1984 will be limited to clear violations of the plain meaning of the Act. Some examples of such clear violations are failure to include the new homesteader agreement provisions in conveyances of properties acquired with 1984 funds, failure to disqualify homeowners from the homesteader-selection process, requirements that all work on homestead properties must be performed by contractors (without regard to a homesteader's ability to undertake some of the rehabilitation), and no attempt to implement the special priority.

We anticipate that these regulations will become effective for FY 1985 program participation agreements executed between HUD and the LUHAs. Appropriate transition provisions, if needed, will be included in the final regulations or its preamble.

Additional changes are made to § 590.7(b)(5) (Homesteader agreement) to implement the requirements of

section 122(c) of the 1983 Act. Paragraph (b)(5)(i) now requires the homesteader to repair within one year of the date of conditional conveyance all defects determined by the LUHA to pose a substantial danger to health and safety. There is, therefore, no remaining Federally-imposed requirement that homesteaders make any repairs before occupancy; however, State and local governments may continue to enforce generally applicable requirements relating to occupancy of housing with respect to homesteading properties, like any other housing. In addition, the time permitted for homesteaders to make all repairs necessary for the property fully to meet applicable local standards for decent, safe and sanitary housing is now expanded from 18 months to three years. Finally, homesteaders must occupy the property as a principal residence for five consecutive years after initial occupancy (rather than three years), except as otherwise approved in writing by the Secretary under emergency conditions making compliance with the five-year occupancy requirement infeasible. In view of the Department's limited experience with both a five-year occupancy requirement and the administration of authority for exceptions to it, we do not propose to prescribe more detailed standards for relief from the five-year occupancy requirement at this time. Some examples of when the Department will consider five-year occupancy infeasible are as follows: Property rendered uninhabitable as a result of natural disaster or casualty loss, taking of the property by eminent domain, and the involuntary job transfer of the homesteader outside reasonable commuting range of the property. The Department will consider requests for relief from the five-year occupancy requirement on a case-by-case basis.

Former § 590.7(b)(6) (Coordinated approach toward neighborhood improvement), is edited and incorporated into § 590.7(a), as described above.

Listing of Federally-Owned Properties

The revised § 590.9 (Listing of HUD-owned and VA-owned properties) includes a requirements of listing FmHA-owned properties, as the 1983 Act requires. In addition, HUD, VA and FmHA must now list *all* unoccupied residential properties rather than only one- to four-unit properties. The LUHA must also make the listing available to the public. These requirements, with the exception of requiring the State to make such lists available to the public, were added by section 122(e) of the 1983 Act. The Department is requiring States to make such lists available to the public where the State is participating in the program.

Applications

Section 590.11(a) (Applications—initial submission requirements) consolidates those elements that provide basic and reasonable evidence of an applicant's ability to carry out a section 810 Urban Homesteading Program. It also contains simplified language and provides for certifications instead of excessive paperwork. In particular, former § 590.11(a)(3) required an applicant to provide a map indicating proposed urban homesteading neighborhood geographic boundaries and census tracts, as well as the number and location of any HUD-owned and locally-owned properties to be used in the program year. The proposed new language requires a map that identifies urban homesteading neighborhood boundaries and census tracts, and an estimate of the amount of section 810 funds that could reasonably be used during a program year. This change reduces the burden on applicants by not requiring that they anticipate the potential availability of specific Federally-owned properties. However, it requires applicants to assess the general neighborhood housing market and be informed of trends such as shifts in default/foreclosure rates and neighborhood demographic data. This assessment should simplify the local planning process.

Additionally, former § 590.11(a)(4) required an applicant to make a statement demonstrating that adequate financing would be available for use in the rehabilitation of urban homesteading properties and describing the sources thereof. This paperwork was eliminated, and the certification in the existing regulations (§ 590.11(b)(2)(iii)), where the applicant assured HUD that it will assist in arranging or will undertake the rehabilitation financing for rehabilitation required on residential property conveyed to homesteaders, is moved to § 590.7(b)(4).

Finally, former § 590.11(a)(5) required an applicant to make a statement describing its administrative organization (which may be either a branch of government or an independent public agency) and its proposed homesteading procedures, including timetables for the transfer of properties to homesteaders. This paperwork was also eliminated and replaced with certifications located in § 590.11(d)(3), assuring HUD that the applicant has an adequate administrative organization capable of carrying out the program in a timely and cost-effective manner, and has procedures to implement the requirements of § 590.7 (Program requirements). This change again strengthens program management accountability by requiring assurances of performance rather than descriptive statements of organizations and procedures. It also provides local flexbility to modify procedures and organization as long as applicants conform to remaining requirements and perform in a timely and cost-effective manner. However, § 590.11(a)(5) continues to require that the applicant identify the primary administrative organization that will carry out the program for it, so that HUD can determine whether the organization is prima facie unsuitable for the task (e.g., the organization may have been subject to sanctions or debarment in other HUD programs). A new § 590.11(a)(3) requires a statement of local goals for each homesteading neighborhood so that both HUD and the applicant can more easily judge whether the program is achieving the intended results, and whether its procedures are consistent with meeting its goals.

Once an application for initial program participation is submitted under § 590.11(a) and approved under §§ 590.1(a) and 590.13, § 590.11(b) (Annual request for program participation) makes it as administratively simple as possible for participants to remain in the program, consistent with efficient use of section 810 funds and good program performance by participants. To continue to participate in the program, the applicant need only submit annually a letter request to do so, including an estimate of the amount of section 810 funds for the next fiscal year. Under § 590.13(b), HUD will then examine the year's monitoring results to evaluate whether the participant's performance warrants continued participation in the program, how realistic the fund request is, and whether conditions need to be imposed upon the applicant's continued participation.

In connection with this change, a new § 590.11(c) provides for amendments to the approved application, in order to assure that the information that HUD needs to have to transfer properties to the LUHA remains current. To assure the necessary flexibility with respect to the timing of amendments, the regulation specifically provides that they may be requested at any time during the fiscal year. At the same time, paragraph (c) makes clear that program amendments must specifically identify the changes to be made and gives two

examples of when an amendment is necessary.

Former § 590.11(b) (Certifications) is now paragraph (d) and is rewritten for clarity, as well as amended to strengthen the applicant's assurances of performance. In addition to the new language in paragraph (d)(3) previously described, the assurance that the applicant, or its designated public agency, has the legal authority to carry out the program is broadened in paragraph (d)(2). A new paragraph (d)(4)(i) requires the applicant to certify that it has developed a plan for a coordinated approach toward neighborhood development. Former § 590.11(a) required the applicant to submit its plan to HUD. Language in paragraph (d)(3)(vi) requires the applicant to monitor the homesteader's compliance with the homesteader agreement and to provide for revocation of the conditional conveyance upon any material breach of the agreement. While the revocation for breach requirements was contained in former § 590.7(b)(4), the monitoring function was not specifically listed. However, HUD expected monitoring by the applicant incident to fulfilling all program requirements. In addition, language in paragraph (d)(4)(ii) requires the applicant to provide citizens an opportunity to comment on its plan for a coordinated approach toward neighborhood improvement which is more specific than the opportunity for comment formerly contained in § 590.11(b)(5)(i). In combination with the reliance on improved certifiations, HUD believes that § 590.29 (HUD annual review of LUHA's performance), and the provision for corrective and remedial action under § 590.31 when HUD identifies a deficiency, provide adequate assurances that statutory requirements will continue to be met, and provide a basis for judging whether the applicant will continue to participate in the program each fiscal year.

We have also added language appropriate to Executive Order 11988 on Flood Plain Management and Executive Order 11990 on Protection of Wetlands in paragraph (d)(7). Finally, former § 590.11(b)(11) (now § 590.11(d)(8)) deletes the requirement that applicants provide access to urban homesteading records and documents to the Department of Agriculture and to the Veterans Administration. Neither the Department of Agriculture nor the Veterans Administration has oversight responsibilities for the Section 810 Urban Homesteading Program and, therefore, access to local program documents by those two agencies is not necessary. Former § 590.11(b)(10) is moved to § 590.7(b)(1) as discussed above.

References to A–95 procedures in the existing urban homesteading regulation have been deleted under other Departmental regulations implementing Executive Order 12372, July 14, 1982, entitled "Intergovernmental Review of Federal Programs." Under that Executive Order, HUD issued 24 CFR Part 52 (48 FR 29206, June 24, 1983), and concurrently HUD issued a Notice (48 FR 29222, June 24, 1983) identifying the programs covered by the intergovernmental review procedures in Part 52. The Urban Homesteading Program is no longer subject to these procedures.

Standards for HUD Review and Approval

Section 590.13 adds specific standards for HUD review and approval of program revisions and annual requests to participate in the program. This review requires a determination that the local program continues to comply with the performance standards in § 590.29(a).

Urban Homesteading Agreement

Revised § 590.15 (Urban homesteading agreement) provides for the initial execution of an urban homesteading agreement when HUD approves the applicant's initial application. The agreement will be drafted to cover additional funds used in later years and additional areas added to the program, without the need for formal amendment or annual reexecution. However, the agreement will provide for certain situations when reexecution is required, such as designation of a new independent public agency to administer the program. Any legally separate and independent public agency designated by the applicant to administer the program must be a party to the homesteading agreement, as well as the applicant State or unit of general local government itself. Such designation of an independent agency to carry out the program is a local opinion, dependent largely on considerations of State and local law, primarily whether the State or unit of general local government has direct authority, or must use an independent special purpose public body, to accept title to property and to transfer it to homesteaders without consideration. The joint execution of the agreement is intended to facilitate its enforcement by HUD, should that become necessary.

Transfer of HUD-Owned Property

Section 590.17 (Transfer of HUD-owned property) is edited and amended by deleting the last sentences in paragraphs (a)(2) (i) and (ii). This material is redundant or unnecessary in relation to other provisions of § 590.17. The scope of the suspension by HUD of property disposition activity to permit identification of and use of properties for the program has been narrowed under the new definition of "HUD-owned property" in § 590.5. This suspension of property disposition activities formerly included *all* HUD properties in the neighborhood. Under this rule, it includes only properties eligible for the Urban Homesteading Program and specifically identified by the LUHA. All other provisions of § 590.17(a) impose no additional responsibilities on participating localities. They do provide HUD procedures for the orderly transfer of properties and, therefore, support the sound administration of local programs.

Section 590.17(b) (Conditions for transferring HUD-owned properties) is recognized and clarified. The principal substantive change is in paragraph (b)(4)(i) (formerly (b)(5)). This provision is amended by raising the $15,000 limitation on estimated as-is fair market value of single unit properties to be transferred under section 810 to $20,000, exclusive of closing costs. The $15,000 limitation is not a statutory requirement, but was considered to be a reasonable interpretation of the statutory requirement for determining a property's "suitability" when 24 CFR Part 590 was published in December 1978. The new figure of $20,000 more accurately reflects an equivalent value of properties in the current housing market. Also, the revised regulation makes clear that actual maximum reimbursement can include closing costs, in addition to the $20,000.

Also, former § 590.17(b)(5)(ii) (Condition for transferring HUD-owned properties), requiring that HUD consider whether the projected cost of rehabilitation of section 810 assisted property exceeds the section 312 lending limit, has been deleted. HUD does not do this for VA or FmHA-owned properties, and consideration of the cost of rehabilitation and the availability of financing for specific properties as contemplated by this section imposed an undue administrative burden on HUD and the locality. However, the applicant must now certify and assure HUD in its application that it will arrange or undertake financing the rehabilitation of all properties transferred. Additionally,

HUD must monitor the applicant's performance in this area on a yearly basis. HUD believes these changes will simplify administration of the Urban Homesteading Program without affecting the availability of financing for homesteading-related rehabilitation.

Former § 590.17(c)(3), which dealt with approval of eligible property transfers to private non-profit organizations and other organizations, is eliminated because it has not been used and is not statutorily required. In addition, the general waiver of authority of § 590.3 could be used to achieve the same purpose if a situation arises to which this provision might have applied.

FmHA and VA Reimbursement

Former § 590.18(a)(5) (Reimbursement to FmHA and VA) is amended by adjusting the $15,000 limitation on reimbursement under this part to $20,000, similar to the change under § 590.17(b)(4)(i) described above. In addition, § 590.18 has been rearranged and clarified.

Reservation and Reduction of Funds

Former § 590.21 (Reduction of funds) is retitled "Reservation and reduction of funds" and expanded to provide a brief explanation of the urban homesteading fund reservation system. In addition, this section is amended to reflect the requirement for HUD monitoring of performance under the standards of § 590.29(a). The fund reservation system provides adequate accounting and internal controls as required by OMB Circular A–123.

Program Close-Out

A new § 590.23 (Program close-out) provides orderly procedures to end a locality's program. This is done so that inactive or HUD-terminated programs can be officially dropped from the roster of participants on which HUD has to report to Congress, and to give a more accurate picture of the actual administrative burden of the HUD Field Offices.

Audit

Section 590.27 (Audit) is amended by adding language required by Attachment P (Audit Requirements) to OMB Circular A–102, and requiring an audit of each applicant's program at least once every two years. HUD believes that this change will provide better internal control as required by OMB Circular A–123.

Applicable Federal Laws and Regulations

Former § 590.29 (Applicable Federal laws and regulations) is eliminated, since the provisions of this section are contained in § 590.11(d) (Certifications).

HUD Review

Former § 590.31 (HUD review of LUHA performance) is renumbered § 590.29 and expanded to strengthen monitoring and compliance efforts in view of the increased reliance on the use of certifications in the initial application, to enable HUD to detect and correct quickly instances of fraud, waste and mismanagement, and to provide improved internal control as required by OMB Circular A–123. A new § 590.29(a)(3) ensures that properties being selected by LUHAs are suitable for homesteading and rehabilitation.This should ensure that LUHAs do not request properties that are so deteriorated that they are not desired by homesteaders and have to be demolished or used for alternative purposes. A new paragraph (a)(4) provides a standard for judging the LUHA's timeliness in carrying out their programs. A new § 590.29(a)(5) ensures that LUHAs provide on a timely basis support activities in homestead target neighborhoods which they proposed in their plans for the coordinated approach to neighborhood improvement so they achieve the goal of overall improvement and preservation. Finally, §590.29(a)(6) (formerly § 590.31(a)(3)) is modified to provide a standard for determining whether the designated public agency or unit of local government is maintaining adequately trained staff and other administrative capacity necessary to administer the program in a timely and cost-effective manner, so that the Urban Homesteading Program is carried on without waste and mismanagement.

Former § 590.35 (evaluation by HUD) has been edited and incorporated into § 590.29(c) where it is more appropriate.

Corrective and Remedial Actions

A new § 590.31(e) provides a repayment sanction for improper use of properties contrary to the new § 590.7(c) (which contains requirements for HUD approval of alternative uses), and for receipt of excessive consideration for properties by LUHAs.

Other Matters

A Find of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in section (b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because changes made to this rule over previous procedure will not affect a substantial number of small entities.

The portion of this rule pertaining to 24 CFR 590.18 is listed under the Office of Community Planning and Development at 47 FR 15951 (Agenda No. CPD–25–79) in the Department's Semiannual Agenda of Regulations published on April 19, 1934 (49 FR 15902), pursuant to Executive Order 12291 and the Regulatory Flexibility Act. The remainder of the rule, except such portions as relate to the requirements of OMB Circular A–123 (fraud, waste and mismanagement), is listed at 49 FR 15950 (Agenda No. CPD–41–81). The portions of this rule pertaining to the fraud, waste and mismanagement concerns contained in OMB Circular A–123 are not listed in the Semiannual Agenda.

The Catalog of Federal Domestic Assistance program number and title is 14.222—Urban Homesteading.

The collection of information requirement contained in this rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding to collection of information requirement(s) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

List of Subjects in 24 CFR Part 590

Government property, Homesteading, Housing, Intergovernmental relations.

Accordingly, HUD proposes that 24 CFR Part 590 be revised as follows:

PART 590—URBAN HOMESTEADING

Authority: Sec. 810 of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 590.1 Scope and purpose of regulation.

(a) *Scope.* This part applies to the Urban Homesteading Program approved under section 810(b) of the Housing and Community Development Act of 1974.

(b) *Purpose.* The purpose of the Urban Homesteading Program is to use existing housing stock to provide homeownership, thereby encouraging public and private investment in selected neighborhoods and assisting in their preservation and revitalization. The program provides for the transfer without payment to a local urban homesteading agency (LUHA) of Federally-owned properties requested by the LUHA for use in a HUD-approved local urban homesteading program.

§ 590.3 Waiver authority.

HUD may waive any requirement of this part not required by law whenever it determines that undue hardship would result from applying the requirement or where applying the requirement would adversely affect achievement of the purposes of the program.

§ 590.5 Definitions.

"Act" means section 810 of the Housing and Community Development Act of 1974.

"Agriculture" means the U.S. Department of Agriculture.

"Applicant" means any State or unit of general local government that applies for HUD approval of a local urban homesteading program under these regulations.

"Federally-owned property" means any real property to which the Secretary of HUD, the Secretary of Agriculture or the Administrator of Veterans Affairs holds title and which is:

(1) Improved with one- to four-family residence;

(2) Unrepaired and which is not the subject of an outstanding repair or sales contract; and

(3) Not occupied by an individual or family under a lease. Property of this nature is also referred to as "HUD-owned property," "FmHA-owned property," or "VA-owned property" when the context requires identification of the particular agency.

"FmHA" means the Farmers Home Administration, an agency within the U.S. Department of Agriculture.

"Homesteader" means an individual or family which participates in a local urban homesteading program by agreeing to rehabilitate and occupy a property in accordance with § 590.7(b)(5).

"HUD" means the U.S. Department of Housing and Urban Development.

"Local urban homesteading agency" (LUHA) means a State, a unit of general local government, or a public agency designated by a unit of general local government or a State. The LUHA must have legal authority to carry out a local urban homesteading program as described in this Part.

"Local urban homesteading program" means the operating procedures and requirements developed by a LUHA, in accordance with this part, for selecting and conveying Federally-owned properties to qualified homesteaders.

"Locally-owned property" means any one- to four-family property located in an urban homesteading neighborhood, which was not obtained from HUD, VA, or FmHA and to which the LUHA holds title.

"Section 810 funds" means funds available to reimburse HUD, FmHA, or VA (as applicable) for Federally-owned property transferred by LUHAs in accordance with this part.

"State" means any State of the United States, any instrumentality of a State approved by the Governor, and Commonwealth of Puerto Rico.

"Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa, or any general purpose political subdivision thereof; the District of Columbia; the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups, and nations of the United States, including Alaska Indians, Aleuts, and Eskimos.

"Urban homesteading neighborhood" means any geographic area(s) approved by HUD for conducting a local urban homesteading program that meets the requirements of this part.

"VA" means the Veterans Administration.

§ 590.7 Program requirements.

(a) *Designation of urban homesteading neighborhood; coordinated approach toward neighborhood improvement.* The applicant shall designate neighborhood(s) for carrying out urban homesteading, and it shall develop a plan which provides for the improvement of these neighborhoods through the homesteading program and the upgrading of community services and facilities in combination with any other public or private revitalization efforts affecting the neighborhood.

(b) *Development of local urban homesteading program.* The applicant shall develop a local urban homesteading program in compliance with this part, contining the following major elements:

(1) *Selection and management of properties.* The program shall provide procedures for selecting Federally-owned properties before conditional conveyance to homesteaders. The program shall also provide that, by accepting title to a property under this part, the LUHA assumes liability for injury or damage to persons or property by reason of a defect in the dwelling, its equipment or appurtenances, or for any other reason related to ownership of the property.

(2) *Homesteader selection.* The program shall provide equitable procedures for homesteader selection which:

(i) Exclude those who own other residential property, except as otherwise approved by HUD on a case-by-case basis in writing where hardship would result;

(ii) Take into account the prospective homesteader's capacity to make or cause to be made the repairs and improvements required under the homesteader agreement, including the capacity to contribute a substantial amount of labor to the rehabilitation process, or to obtain assistance from private sources, community organizations, or other sources; and

(iii) Offers properties to those otherwise eligible who apply for a property and meet all of the following criteria before offering such properties to others who are eligible:

(A) Those whose current housing fails to meet applicable local health and

safety standards, including overcrowding;

(B) Those who currently pay in excess of 30 percent of adjusted income (as determined by standards applicable to the Section 8 program at 24 CFR Part 813) for rent including reasonable utilities as reflected in the schedule of utility allowances for the Section 8 Existing Housing Program; and

(C) Those who have little prospect of obtaining improved housing within the foreseeable future through means other than homesteading.

(3) *Conditional conveyance.* The program shall provide for the conditional conveyance of Federally-owned property to homesteaders without any substantial consideration.

(4) *Financing.* The program shall provide procedures for the LUHA to undertake, or to assist the homesteader in arranging, financing for the rehabilitation required under the homesteader agreement.

(5) *Homesteader agreement.* The program shall provide for the execution, concurrently with or as a part of the conditional conveyance, of a homesteader agreement between the LUHA and the homesteader which shall require the homesteader:

(i) To repair any defects that pose a substantial danger to health and safety within one year from the date of conditional conveyance of the property to the homesteader;

(ii) To make or cause to be made additional repairs and improvements necessary to meet the applicable local standards for decent, safe, and sanitary housing within three years from the date of conditional conveyance of the property to the homesteader and to comply with any energy conservation measures designated by the LUHA as part of the repairs;

(iii) To occupy the property as principal residence for not less than five consecutive years from the date of initial occupancy, except as otherwise approved by HUD on a case-by-case basis in writing under emergency conditions making compliance with this requirement infeasible;

(iv) To permit reasonable inspections at reasonable times by employees or designated agents of the LUHA to determine compliance with the agreement; and

(v) To surrender possession of, and any interest in, the property upon material breach of the homesteader agreement (including default on any rehabilitation financing secured by the property), as determined by the LUHA in accordance with this part.

(6) *Monitoring and selecting successor homesteaders.* The program shall provide that the LUHA will monitor the homesteader's compliance with the homesteader agreement, will revoke the conditional conveyance and homesteader agreement upon any material breach by the homesteader, and, to the extent necessary and practicable, will select one or more successor homesteaders for the property. If the LUHA selects a successor homesteader, It shall execute a new homesteader agreement and conditional conveyance with the homesteader in compliance with this Part, including the requirement for occupancy of the property for at least five consecutive years by the successor homesteader.

(7) *Fee simple title.* The program shall provide for the conveyance of fee simple title to the property from the LUHA to the homesteader without consideration upon compliance with the terms of the homesteader agreement and conditional conveyance.

(c) *Homesteading infeasible; alternative use.* If completion of homesteading proves infeasible, in the judgment of HUD, for any reason after a LUHA has accepted title to a Federally-owned property, the LUHA shall not demolish, dispose of, rent or otherwise convert the property to its own use until HUD approves an alternative use consistent with the coordinated approach to neighborhood improvement.

§ 590.9 Listing of HUD-owned, VA-owned, and FmHA-owned properties.

In order to facilitate planning for local urban homesteading programs, HUD, FmHA, and VA, respectively, shall, upon request by a LUHA, provide the LUHA with a listing of all residential properties to which they hold title, which are not subject to executed repair or sale contracts or leases, and which are in the jurisdiction of the LUHA. The LUHA shall give the public access to the list during ordinary business hours at the offices of the LUHA.

§ 590.11 Applications.

(a) *Initial application requirements.* Applicants may submit an initial application under this part to the responsible HUD Field Officer at any time during the year. Applications shall consist of:

(1) Standard Form-424, prescribed by OMB Circular A-102;

(2) A map of each proposed urban homesteading neighborhood with geographic boundaries indicated and census tracts shown;

(3) A statement of the local goals for the homesteading program for each neighborhood selected;

(4) An estimate of the amount of section 810 funds to be used during the current Federal fiscal year and a statement concerning the basis for the estimates;

(5) Identification of the entity which will administer the Urban Homesteading Program for the applicant;

(6) The certifications listed in § 590.11(d); and

(7) Any additional documentation HUD requests.

(b) *Annual Request for Program Participation.* An applicant previously approved by HUD to participate in the Urban Homesteading Program shall notify the HUD Field Office in writing on or before August 1 of each year if it wishes to continue in the program. At the same time, the applicant shall notify HUD of its estimate of the section 810 funds to be used during the upcoming Federal fiscal year along with a description of the basis for the estimate.

(c) *Amendments.* If the applicant desires to change any element of its local urban homesteading program specifically described in the HUD-approved application, such as the identification of urban homesteading neighborhoods or the designation of a public agency to carry out the program, the applicant shall submit its proposal to the HUD Field Office for approval before making any such change. The request shall specifically identify items to be changed and set forth the proposed amendment. Amendments may be submitted with an annual request for program participation or at any other time during the program year.

(d) *Certification.* As part of its application, the applicant shall certify that:

(1) Except for States, its governing body has duly adopted or passed an official act, resolution, motion, or similar action authorizing the filing of the application including all understanding and assurances contained in these certifications.

(2) It, or its designated public agency, possesses the legal authority to carry out the local urban homesteading program described in its application in accordance with this part, including the specific program requirements described in § 590.7(b).

(3) It, or its designated public agency, has:

(i) An adequate administrative organization capable of carrying out the program in a timely and cost effective manner;

(ii) Procedures for selecting and accepting property suitable for homesteading and rehabilitation as required by § 590.7(b)(1);

(iii) Equitable procedures for selecting homesteaders as required by § 590.7(b)(2);

(iv) A form for conditional conveyance required by § 590.7(b)(3);

(v) A homesteader agreement required by § 590.7(b)(5);

(vi) Procedures for monitoring the homesteader agreement and for revoking a conditional conveyance upon material breach of the agreement as required by § 590.7(b)(5); and

(vii) Procedures for conveying the residential property received from HUD, FmHA or VA in fee simple title without substantial consideration to the homesteader upon full compliance with the agreement required in § 590.7(b)(5).

(4) It, or its designated agency, has, before submission of its application:

(i) Developed a plan for a coordinated approach toward neighborhood improvement as required by § 590.7(a); and

(ii) Provided citizens an adequate opportunity to express preferences about the proposed location of urban homesteading neighborhood(s), and to comment on the plan for a coordinated approach toward neighborhood improvement.

(5) It, and its designated public agency, will:

(i) Comply with the requirements of Title VI of the Civil Rights Act of 1964, Executive Order 11063; Title VIII of the Civil Rights Act of 1968; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975 which prohibits discrimination on the basis of sex, race, creed, religion, color, national origin, handicap, or age in any program or activity under this part; and

(ii) Employ affirmative marketing procedures in the advertising of homesteading properties.

(6) It, or its designated public agency, will comply with the lead-based paint procedures set forth in 24 CFR Part 35, agreeing to:

(i) Assure the elimination of the immediate lead-based paint hazards in Federally-owned property transferred under this part; and

(ii) Notify potential homesteaders of the hazards of lead-based paint poisoning in residential units constructed before 1950.

(7) It, and its designated public agency, will submit any information HUD requests to meet its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), Executive Order 11988 on Flood Plain Management, Executive Order 11990 on Protection of Wetlands, the Flood Disaster Protection Act of 1973, the National Historic Preservation Act of 1966 (Pub. L. 89–665) and the Preservation of Historic and Archaeological Data Act of 1974 (Pub. L. 93–291), including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800, and Executive Order 11593 on Protection and Enhancement of the Cultural Environment.

(8) It, and its designated public agency, will given HUD and the Comptroller General, through their authorized representatives, access to and the right to examine all records, books, papers, or documents related to the local urban homesteading program.

(9) It, or its designated public agency, will maintain in writing and on file a description of its approved local urban homesteading program for public information and review.

(10) It, or its designated public agency, will assist in arranging or undertake itself rehabilitation financing for residential property conveyed to homesteaders.

§ 590.13 Standards for HUD review and approval of a local urban homesteading program.

(a) *Applications.* The appropriate HUD Field Office will review an applicant's initial application and the Field Office Manager will approve the proposed local urban homesteading program, unless he or she determines that it does not comply with the requirements of the Act, this part or other applicable laws and regulations; or that it is plainly inappropriate or plainly inconsistent with available facts and data. If the program is disapproved, HUD shall notify the applicant in writing of the specific reasons.

(b) *Annual requests for program participation and program amendments.* The HUD Field Office will review any proposed application amendments and an applicant's annual request for program participation and will approve the applicant's submission unless the Field Office Manager determines that the proposal is plainly inappropriate or plainly inconsistent with available facts and data, or the applicant's past performance does not meet the standards of § 590.29(a). HUD will notify the LUHA in writing of the specific reasons for any disapproval. Program amendments will be considered approved as of the date of HUD's written notification of approval to the applicant. Annual requests for program participation will be considered approved as of the date of HUD's written notification to the applicant of a fund reservation, or notice of satisfaction of any approval conditions, whichever is later.

§ 590.15 Urban homesteading agreement.

Upon approval of an application, HUD, the State or unit of general local government, and the designated public agency, if any, will execute an urban homesteading agreement in the form prescribed by HUD, and HUD will reserve section 810 funds for the applicant for the remainder of the Federal fiscal year in which the agreement is executed. The agreement authorizes the LUHA to request HUD, VA, and FmHA to transfer properties to the LUHA, to the extent that the funds reserved are sufficient to reimburse the Federal agency for the properties. The agreement also obligates the LUHA to use the properties in accordance with the Act, this part, and other applicable laws and regulations. However, neither a fund reservation nor the agreement obligates HUD, FmHA or VA to transfer a specific number of properties or particular properties identified in a program application, an annual request for program participation, or a program amendment. The agreement shall specify the procedures for amendment or termination of the agreement.

§ 590.17 Transfer of HUD-owned property.

(a) *Property disposition assistance.* HUD's property disposition activity shall support the Urban Homesteading Program as follows:

(1) After execution of its initial urban homesteading agreement, but before the initial selection of any HUD-owned property, a LUHA may request HUD to suspend its routine property disposition activity for up to 45 days for HUD-owned properties listed under § 590.9 and identified by the LUHA as located in a HUD-approved urban homesteading neighborhood. Based upon this request, HUD shall state in writing the starting and closing dates of the suspension of property disposition activity for all such identified HUD-owned properties.

(2) With respect to properties coming into HUD's inventory later, the HUD Field Offices shall develop and implement property disposition plans for HUD-owned properties located in HUD-approved urban homesteading neighborhood(s). These plans shall include the following procedures:

(i) As soon as feasible, but in any event not later than ten days after HUD receives a notice of property transfer and application for insurance benefits for HUD-owned property located in a HUD-approved urban homesteading neighborhood, the HUD Field Office shall notify the LUHA in writing of the potential availability of the property for homesteading;

(ii) The HUD Field Office shall not approve a property disposition program for a property until the LUHA has informed the Field Office, in writing, whether or not it intends to use the property in the local urban homesteading program or until 30 days from the date of HUD's notice, whichever comes first. The Field Office Manager may extend the 30-day deadline, if the Field Office Manager makes a written determination that notification by the LUHA within 30 days is impractical.

(b) *Conditions for transferring HUD-owned properties.* Except as provided in paragraph (c) of this section, HUD shall offer to transfer the title of a HUD-owned property to a LUHA, without payment, if:

(1) The LUHA has notified the HUD Field Office within the period specified in paragraph (a)(1) or (a)(2)(ii) that it intends to homestead the property;

(2) The property is located in a HUD-approved urban homesteading neighborhood;

(3) The LUHA's approved reservation of section 810 funds is sufficient to reimburse HUD's applicable housing loan or mortgage insurance accounts for the estimated as-is fair market value of the property plus closing costs; and

(4) The HUD Field Office determines that the requested property is suitable for the approved local urban homesteading program, as follows:

(i) The estimated as-is fair market value of the property does not exceed $20,000 (excluding closing costs) for a one-unit single family residence or an additional $5,000 for each additional unit of two- to four-family residences; or

(ii) The Field Office Manager authorizes on a property-by-property or program-by-program basis the transfer of HUD-owned property where the estimated fair market value exceeds the preceding limitation if the benefit to the community expected from the expedited occupancy of the property, and the reduction of difficulties and delays (such as vandalism to the property) that HUD typically encounters in the disposition and sale of property, warrant the additional cost to the Federal government.

(c) *Exceptions.* (1) If a LUHA fails to accept title within 30 days of HUD's offer of a property for a specific price in accordance with paragraphs (b) (1) through (4), HUD may approve an alternative disposition plan for the property. The HUD Field Office Manager may extend, for a reasonable period of time, this 30-day deadline if the HUD Field Office Manager makes a written determination that acceptance of title by the LUHA within 30 days of property selection is impractical.

(2) A property otherwise eligible for transfer to a LUHA may be used to meet higher priority needs if the Field Office Manager makes a determination in writing that the property is essential to meet an existing legal obligation such as the following:

(i) Settlement of sales warranty claims;

(ii) Settlement of claims under section 518 of the National Housing Act for critical structural defects in one- to four-family dwellings with certain mortgages insured by HUD;

(iii) Emergency housing needs (disaster housing and urgent public housing needs);

(iv) Reconveyance for noncompliance with 24 CFR 203.363;

(v) Reconveyance pursuant to Civil Frauds Act settlement;

(vi) Reconveyance where the mortgage was never insured; and

(vii) Other legal obligations as determined by HUD.

§ 590.18 Reimbursement to FmHA and VA.

The Secretary shall reimburse FmHA or VA from a LUHA's section 810 funds in an amount agreed between the LUHA and FmHA or VA for FmHA- or VA-owned property, under the following conditions:

(a) The property is located in a HUD-approved urban homesteading neighborhood;

(b) The LUHA's approved reservation of section 810 funds is sufficient to support the agreed reimbursement including closing costs;

(c) The reimbursement (excluding closing costs) does not exceed the lesser of:

(1)(i) $20,000 for a one-unit single family residence plus $5,000 for each additional unit of two- to four-family residences; or

(ii) An amount greater than the amount in clause (i), which is approved by the HUD Field Office Manager if, on a property-by-property basis, the benefit to the community expected from the expedited occupancy of the property, and the expected reduction of difficulties and delays (such as vandalism to the property) that HUD typically encounters in the disposition and sale of similar property, warrant the additional cost to the Federal government; or

(2) The amount certified by FmHA or VA to be a fair value for the property based on the lesser of the market value or the amount of FmHA's or VA's claim plus the expenses connected with Federal ownership; and

(d) The property has been conveyed to a LUHA for use in a HUD-approved local urban homesteading program.

§ 590.19 Use of section 810 funds.

Section 810 funds may be used to reimburse HUD, VA or FmHA for Federally-owned properties. Funds may not be used to reimburse LUHAs for administrative costs, nor may they be used to acquire property other than through reimbursement for Federally-owned property.

§ 590.21 Reservation and reduction of funds.

Initially, HUD will reserve funds for LUHAs concurrently with the execution of the urban homesteading agreement. Thereafter, HUD will reserve funds and notify the applicant of approval of the annual request for program participation. At any time during the fiscal year, HUD may reduce, including down to zero, the amount of any section 810 fund reservation, when in HUD's judgment the LUHA's performance does not meet the standards in § 590.29(a). Otherwise, fund reservations will remain outstanding until the end of the Federal fiscal year for which they are made.

§ 590.23 Program close-out.

(a) *Initiation of close-out.* This section prescribes procedures for program close-out when continuing a program is no longer feasible or where the beneficial results are not commensurate with the further expenditure of section 810 funds in the locality's designated urban homesteading neighborhoods. The LUHA will institute close-out procedures when one or more of the following occurs:

(1) The LUHA determines that it does not have the capacity to continue administering the program in a timely and cost-effective manner;

(2) The LUHA did not transfer any property in the prior Federal fiscal year; or

(3) HUD terminates the LUHA's program because the LUHA's performance does not meet the standards specified in § 590.29(a).

(b) *Audit.* When HUD notifies a LUHA to initiate close-out procedures, the LUHA will engage the services of an independent public accountant to audit its local urban homesteading program in accordance with § 590.27.

(c) *Letter of Completion.* Upon completion of the final audit or HUD review, as appropriate, HUD will send the LUHA a letter of completion, which HUD may condition. Conditions may reflect unmet obligations, the deadline

to meet them, and a statement of interim reporting procedures required by HUD of the LUHA.

(d) *Monitoring of closed-out programs.* HUD shall monitor closed-out programs to determine compliance with any conditions under paragraph (c), the certifications under § 590.11(d), the Act, this part and other applicable Federal laws and regulations until the LUHA transfers fee simple title to all Federally-owned properties to the homesteaders or HUD approves an alternative use and the LUHA implements it under § 590.7(c)

§ 590.25 Retention of records.

The LUHA shall maintain adequate financial records, property disposition documents, supporting documents, statistical records, and all other records pertinent to the local urban homesteading program until the period for HUD monitoring under § 590.23(d) has expired.

§ 590.27 Audit.

(a) *Access to records.* The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to all books, accounts, records, reports, files, and other papers or property of LUHAs pertaining to funds or property transferred under this part, for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

(b) *Audit.* The LUHA's financial management system shall provide for audits in accordance with audit guidelines prescribed by Office of Management and Budget (OMB) Circular A–102, Attachment P—Audit Requirements.

§ 590.29 HUD review of LUHA performance.

(a) HUD shall review the performance of each LUHA which has a homesteading agreement and section 810 fund reservation at least once each Federal fiscal year to determine whether:

(1) The program complies with the homesteading agreement and certifications, the Act, this part, and other applicable Federal laws and regulations;

(2) The LUHA is carrying out its program substantially as approved by HUD;

(3) The Federally-owned properties the LUHA selects are suitable for homesteading and rehabilitation;

(4) The LUHA is making reasonable progress in moving properties through the stages of the homesteading process including acquisition, homesteader selection, conditional conveyance, rehabilitation, and final conveyance, and is not making an unreasonable number of requests for extension of the time periods specified in § 590.17 (a)(2)(ii) or (c)(1);

(5) The improvements in neighborhood public facilities and services provided for in the coordinated approach toward neighborhood improvement are occurring on a timely basis; and

(6) The LUHA has a continuing administrative and legal capacity to carry out the approved program in a cost-effective and timely manner.

(b) In reviewing a LUHA's performance, HUD will consider all available evidence which may include, but need not be limited to, the following:

(1) Records maintained by the LUHA;

(2) Results of HUD's monitoring of the LUHA's performance;

(3) Audit reports, whether conducted by the LUHA or by HUD auditors;

(4) Records of comments and complaints by citizens and organizations; and

(5) Litigation.

(c) LUHAs shall supply data and make available records necesary for HUD's annual evaluation of the LUHA's local urban homesteading program.

§ 590.31 Corrective and remedial actions.

When HUD determines on the basis of its review that the LUHA's performance does not meet the standards specified in § 590.29(a), HUD shall take one or more of the following corrective or remedial actions, as appropriate for the circumstances:

(a) Issue a letter of warning that advises the LUHA of the deficiency and puts it on notice that HUD will take more serious corrective and remedial actions if the LUHA does not correct the deficiency or it is repeated;

(b) Advise the LUHA to suspend, discontine or not incur costs for the defective aspect(s) of the local program;

(c) Condition the approval of the annual request for program participation if there is substantial evidence of a lack of progress, noncompliance, or a lack of a continuing capacity. In such cases, HUD should specify the reasons for the conditional approval and the actions necessary to remove the condition;

(d) In cases of continued substantial noncompliance, terminate the urban homesteading agreement, close out the program and advise the LUHA of the reasons for such action; or

(e) Where a LUHA has converted a property received under this part to its own use contrary to § 590.7(b)(7) or has received excessive consideration for its conveyance, HUD shall direct the LUHA to repay to HUD either the amount of compensation HUD finds that the LUHA has received the property or the amount of section 810 funds expended for the property, as HUD determines appropriate.

Dated: June 13, 1984.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 84–17698 Filed 7–3–84; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Maryland Permanent Regulatory Program; Review of State Program Amendments

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

ACTION: Reopening and extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on revised regulations submitted by the State of Maryland to amend its permanent regulatory program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is reopening the comment period to allow the public sufficient time to consider and comment on revisions submitted by Maryland on June 8, 1984 to its proposed program amendment of January 13, 1984, and minutes of a meeting held on May 31, 1984, between OSM and State officials concerning preliminary findings made by OSM on the State's initial amendment as a result of its review and public comments. Pursuant to the State's resubmission letter of June 8, 1984, the modifications include statutory and regulatory revisions concerning the form, amount and release procedures for performance bonds.

DATE: Written comments not received on or before 4:00 p.m. on August 6, 1984 will not necessarily be considered..

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: Maryland Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

See **SUPPLEMENTARY INFORMATION** for addresses where copies of the Maryland program amendment and administrative record on the Maryland program are

available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTRACT: Mr. John Heider, Acting Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION: Copies of the Maryland program amendment, the Maryland program and the administrative record on the Maryland program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158

Office of Surface Mining Reclamation and Enforcement, 1100 L Street NW., Room 5315, Washington, D.C. 20240, Telephone: (304) 343–7896

Maryland Department of Natural Resources, Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689–4136.

In addition, copies of the amendment are available for inspection and copying during regular business hours at the following location: Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, Morgantown, West Virginia 26505, Telephone: (304) 291–4004.

The Maryland program was conditionally approved by the Secretary of the Interior on December 1, 1980 (45 FR 79430–79451). On February 18, 1982, following submission of program amendments to satisfy the conditions of approval, the Maryland program was fully approved by the Secretary (47 FR 7214–7217).

On January 13, 1984, the State of Maryland submitted proposed statutory and regulatory revisions to its approved program (Adminstrative Record No. MD 229). The submission contained revisions concerning permitting requirements and performace standards for coal exploration activities and inspection and enforcement procedures involving right of entry, public participation, notices of violation and cease and desist orders.

On February 16, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment, a public comment period and an opportunity for a public hearing on the amendment (49 FR 5971–5973). On March 1, 1984, OSM published a notice in the **Federal Register** which corrected the February 16, 1984, notice concerning the hearing date and the date by which persons interested in making oral or written presentations at the hearings must contact OSM (49 FR 7605–7606). The public hearing scheduled for March 12, 1984, was not held because no one expressed an interest in participating in the hearing. The public comment period closed on March 19, 1984.

Following its review and opportunity for public comment, on April 5, 1984, OSM notified Maryland of certain deficiencies contained in the proposed amendment, and provided the State an opportunity to submit additional information to address the deficiencies (Adminstrative Record No. MD 241). On May 4, 1984, Maryland submitted additional information to clarify certain provisions of its initial amendment (Administrative Record No. MD 250). On May 9, 1984, as a follow-up to its May 4, 1984, letter, Maryland submitted revised bond release procedures (Administrative Record No. MD 249). Representatives of OSM and the State met on May 31, 1984, to discuss the additional information submitted by the State (Administrative Record No. MD 252). As a result of this meeting, Maryland withdrew its proposed amendment of May 9, 1984, and submitted additional modifications on June 8, 1984, concerning the form, amount and release procedures for performance bonds (Adminstrative Record No. MD 251).

The comment period being announced today is to provide the public sufficient time to consider the proposed revisions submitted by the State of Maryland on June 8, 1984, and to review the minutes of the meeting held on May 31, 1984, between OSM and the State.

In accordance with the provisions of 30 CFR 732.17, OSM is seeking comments from the public on the adequacy of the proposed revisions to Maryland's initial amendment. If approved, the revisions will become part of the Maryland permanent program.

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

Dated: June 29, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84–17809 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR–FRL–2621–3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA proposes to approve a revision to the Illinois State Implementation Plan (SIP) for Ozone. The revision, if finally approved, will provide for an extended compliance schedule for National Can Corporation (National Can) Clearing facility located in Chicago, Illinois, Cook County. This SIP revision will allow National Can additional time to reformulate the coatings used in manufacturing of food and beverage containers. This action is taken in response to a November 23, 1983, request from the State of Illinois.

DATE: Comments on this revision and on the proposed USEPA action must be received by August 6, 1984.

ADDRESS: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Uylaine E. McMahan, at (312) 353–0396, before visiting the Region V office).

Environmmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protction Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois, 62706.

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: USEPA's policy on approving compliance schedule extensions for controlling VOC emissions from certain can maufacturing processes was published in the March 10, 1982, **Fedral Register** (47 FR 10293). The policy states that USEPA will approve compliance date extensions for control of VOC emissions for can coating operations in those cases where the extension will facilitate the expeditious conversion to low solvent technology. These extensions may be granted for a period up to 1985 where an expeditious, legally enforceable compliance program has been developed consistent with reasonable

further progress requirements and the ozone control strategy as defined in the SIP.

On November 21, 1983, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to its ozone SIP for National Can located in the Metropolitan Chicago ozone demonstration area. This proposed revision is in the form of an April 1, 1982, Opinion and Order of the Illinois Pollution Control Board (IPCB) Number PCB 81–192. It grants a variance from the existing SIP requirements until December 31, 1983, and provides a legally enforceable compliance schedule.

Under the existing federally approved SIP, each can coating operation at National Can is subject to the emission control requirements contained in IPCB Rule 205(n)(1)(B) of Chapter 2. Air Pollution of the IPCB Rules and Regulations. IPCB Rule 205(n)(1)(B) requires compliance with established specific emission limitations for each of the can coating operations. Final compliance is required by December 31, 1982.

In lieu of the compliance date contained in the existing federally approved SIP, the State is proposing an extended compliance schedule. The variance contains a legally enforceable compliance program whereby National Can will acheive final compliance no later than December 31, 1983.

National Can may either demonstrate final compliance for each can coating operation or use the procedure described in the December 8, 1980, **Federal Register** (45 FR 80824), entitled "Compliance with VOC Emission Limitations for Can Coating Operations".

This policy memorandum allows State and local agencies to utilize a daily weighted average to determine whether a can manufacturing operation is in compliance with the State's emission limitations.

USEPA issued this interpretative statement to notify State and local agencies that, in USEPA's view, in general, their regulations may be interpreted as allowing daily weighted averages for approving permits and compliance plans without further regulatory changes or the need for a SIP revision. Additionally, this statement allows use of a standardized equation to express the weight of VOC per gallon of coatings, less water, in terms of weight of VOC per gallon of solids to determine compliance.

Based on the proposed ozone demonstration of attainment for the Chicago area, this SIP revision will not interfere with the attainment and maintenance of the ozone national ambient air quality standards, because Illinois growth margin is sufficient to accommodate National Can's increase in allowable VOC emissions.

USEPA finds this SIP revision in accordance with the provisions contained in USEPA's policy relating to time extensions for can coating operations, and the 1-year request is reasonable considering the difficulty in reformulating coatings used in the food and beverage industries.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before August 6, 1984, will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office.

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

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

(Secs. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a)))

List of Subjects in 40 CFR Part 52

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

Dated: June 11, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84–17747 Filed 7–3–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OAR–FRL–2621–5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing approval of a revision to the Ohio State Implementation Plan. EPA is approving the State's revised regulations which were developed to satisfy EPA's conditional approval of the new source review program. EPA's action is based upon the revision request which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act.

DATE: Comments on this revision and on the proposed EPA action must be received by August 6, 1984.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review (It is recommended that you telephone Debra Marcantonio at (312) 886–6088 before visiting the Region V office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Comments on this proposed rule should be addressed to: (Please submit an original and five copies if possible) Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch (5AP–26), USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch (5AP–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act (Act), as amended in 1977, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as not attaining the National Ambient Air Quality Standards (NAAQS).

The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979, notice were published July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (FR 44 67182). In order to be approvable, each Part D New Source Review (NSR) SIP must require permits for the construction and operation of any new or modified major stationary source in nonattainment areas. The permits must be issued in conformance with the statutory requirements of Sections 172 and 173 of the Act and the regulatory requirements of 40 CFR 51.18.

To satisfy the new source review (NSR) requirements of the Act, the State submitted to EPA on July 29, 1980, a revision to its SIP. On October 31, 1980 (45 FR 72119) EPA conditionally approved Ohio's NSR rules which allowed the State to administer a construction permit program for major sources in nonattainment areas. EPA's approval was based upon the State's commitment to submit revised regulations which would satisfy the

conditions outlined in the October 31, 1980 notice. Those conditions were outlined as follows:

The Ohio New Source Review State Implementation Plan revision for designated nonattainment areas is proposed to be approved provided that: (1) The State submits revised regulations which have completed State rulemaking procedures and which refine the criteria used by the Director to issue new source permits under section 173 of the Clean Air Act, and (2) each permit issued by the State satisfies the requirements of sections 173 and 172(b)(11) of the Act.

On October 4, 1982, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC) Rules 3745-31-01 through 08 to satisfy the NSR conditional approval. Additional clarification was submitted by the State on January 24, 1983. EPA has completed its review and has determined that the submittals satisfy the requirements of Part D of the Act. Ohio's NSR program is briefly outlined below. Further discussion is contained in the technical support document for this revision which is available at the Region V office.

The State of Ohio held a public hearing on November 16, 1981, on the proposed OAC Rule 3745-31-01 through 3745-31-08. Two provisions of 3745-31-01 are not required by EPA's new source review rules. Therefore, they are not included as part of this SIP revision. (3745-31-01(H)(1)(b) and 3745-31-01(M)). The final adoption of these Ohio NSR rules occurred on June 30, 1982, with an effective date of August 15, 1982.

The revised rules outline how the NSR program is to be conducted and what is required of the permit applicant and the Director of the Ohio EPA before the permit is issued to a new or modified source wishing to locate within a designated nonattainment area or in an area that would impact a nonattainment area.

The Ohio rules incorporate by reference the substance of EPA's new source performance standards, 40 CFR Part 60; national emission standards for hazardous air pollutants, 40 CFR Part 61; nonattainment provisions including the emission offset policy, 40 CFR 51.18 and Appendix S (except paragraph I. Introduction); Section 173 and 172(b)(11)(A) of the Clean Air Act; and prevention of significant deterioration requirements, 40 CFR Part 52.

The Ohio NSR program will, under some circumstances, require the use of offsets to accommodate emissions growth in nonattainment areas and in other cases will utilize emissions available in an accommodative SIP. The approach used will be dependent upon the geographic area and pollutant involved. Rule 3745-31-05 (A)(1) and (A)(2)(d)(i) provides for the use of the accommodative approach where new sources shall not prevent or interfere with the attainment or maintenance of the ambient air standards. The geographic areas where this procedure is applicable and their growth margins have been submitted as part of Ohio's carbon monoxide and ozone SIPs. These growth margins will continue to be monitored and revised as part of the SIP process and the new source review process.

Although OAC Rule 3745-31-05(B) gives the Director authority to consider the social and economic impact before the issuance of a permit, according to Ohio EPA, OAC Rule 3745-31-05(A) prevents a permit exemption from being granted for any source subject to the federal new source review requirements. EPA concurs in this interpretation.

EPA has reviewed the revised Rules 3745-31-01 through 3745-31-08 (except sections 3745-31-01(H)(1)(b) and 3745-31-01(M)) and has determined that they satisfy the requirements of Part D of the Clean Air Act as well as the requirements outlined in the Code of Federal Regulations (40 CFR 51.18). Therefore EPA proposes to approve these revisions as part of Ohio's New Source Review SIP and to remove the conditions outlined in 40 CFR 52.1987(e).

Under 5 U.S.C. section 605(b), the Regional Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

List of Subjects in 40 CFR Part 52

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

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

(Sections 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a)).

Dated: April 19, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-17748 Filed 7-3-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[OSWER-FRL-2620-7]

Utah; Final Authorization of State; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of State of Utah for Final Authorization, Public Hearing and Public Comment Period.

SUMMARY: Utah has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Utah's application and found that the State needs to provide additional information and assurances before final authorization can be granted. EPA concerns are identified in this notice. Utah has agreed to provide both the assurances and the information to EPA's satisfaction prior to public hearing on the application. Thus, EPA tentatively intends to grant final authorization to Utah to operate its hazardous waste program in lieu of the federal program.

Utah's application for final authorization is available for public review and comment. A public hearing will be held to solicit comments on the tentative decision. In making its final decision, EPA will consider all public comments, both written and oral, on the tentative decision and the measures taken by the State to address the EPA concerns.

DATES: A public hearing is scheduled for July 31, 1984. Utah will participate in the public hearing held by EPA on this subject. All comments on Utah's final authorization application must be received by the close of business on July 31, 1984.

ADDRESSES: Copies of Utah's final authorization application are available during regular business hours at the following addresses for inspection:

Utah Bureau of Solid Waste Management, 150 West North Temple, Salt Lake City, Utah 84110, (801) 533-4145, Dale Parker, Ph.D.

U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, D.C. 20460, (202) 382-5926

U.S. EPA Region VIII Library, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295, (303) 837-2560, Dolores Eddy.

Written comments should be sent to: Jon P. Yeagley, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

EPA will hold the public hearing on July 31, 1984, at 150 West North Temple in Room 251 at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Jon P. Yeagley, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, phone (303) 327–3895.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization", is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the Federal program (section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121–271.137 established a phased approach to interim authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260–263 and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities). Phase II has three components. Phase IIA covers general permitting procedures and technical standards for containers, tanks, surface impoundments, and waste piles. Phase IIB covers incinerator facilities, and Phase IIC addresses landfills and land treatment facilities.

By statute, all interim authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received final authorization.

The second type of authorization is a "final authorization" that is granted by EPA if the Agency finds that the State program: (1) Is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained interim authorization in order to qualify for final authorization. EPA regulations for final authorization appear at 40 CFR 271.1–271.23.

B. Utah

The State of Utah received Phase I interim authorization on December 12, 1980. The State did not apply for any component of Phase II interim authorization. Utah submitted a draft application for final authorization to EPA on August 10, 1983. Following its public hearing to solicit comments on February 21, 1984, Utah submitted its official application for final authorization of the State hazardous waste management program on February 29, 1984.

Upon review of the State's application, EPA concerns were forwarded by letter dated April 13, 1984, from Robert L. Duprey, Director, Air and Waste Management Division, to Mr. Kenneth Lee Alkema, Director, Utah Division of Environmental Health. That letter is a matter of public record. In brief, EPA is requesting the State to provide the following:

1. A more detailed description of the relationship of the Health Department and the Hazardous Waste Committee;
2. A penalty policy to be used in assessing fines accompanying civil actions;
3. A commitment in the Memorandum of Agreement to provide a 45-day public comment period for all draft plan approvals (permits);
4. Regulation amendment to provide for appropriate financial assurance mechanism submission to the State at the time of authorization;
5. A commitment in the Memorandum of Agreement to limit the use of warning letters to no more than one per enforcement case;
6. A commitment to provide investigative support to EPA and/or authorized states in cases where Utah generated waste is shipped out-of-state to non-permitted facilities.

In a letter of May 16, 1984, Utah indicated the manner in which it will satisfy EPA's concerns, and has stated that the changes will be completed prior to the July 31, 1984 public hearing.

Thus, EPA tentatively intends to grant final authorization to Utah to operate its program in lieu of the federal program.

In accordance with section 3006 of RCRA and 40 CFR 271.20(d), the Agency will hold a public hearing on its tentative decision on July 31, 1984 at 9:00 a.m. at 150 West North Temple in Room 251. The public may also submit written comments on EPA's tentative determination until July 31, 1984. Copies of Utah's application are available for inspection and copying at the locations indicated in the **"ADDRESSES"** section of this notice.

In making its final decision, EPA will consider all public comments on the tentative determination and the measures taken by the State to address EPA's concerns. EPA expects to make a final decision on whether or not to approve Utah's program by October 29, 1984.

However, this schedule will change if amendments made to Utah's application are substantial or if they differ significantly from the commitments in Utah's letter of May 16, 1984. 40 CFR 271.20(b) requires the State to provide for additional public comment if the proposed State program is substantially modified after the State comment period ends. 40 CFR 271.5(c) further provides that if the State's application materially changes during EPA's review period, the statutory review period begins again upon receipt of the revised submission. The State and EPA may also extend the review period of agreement (see 40 CFR 271.5(d)). EPA will give notice of its final decision or of a change in schedule in the **Federal Register** by October 29, 1984. That notice will include a summary of the reasons for the final decision, if made at that time, and a response to all major comments received during the public comment period.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

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

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of sections 2002(a), and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegations 7.

Dated: June 28, 1984.

John G. Welles,

Regional Administrator.

[FR Doc. 84–16812 Filed 7–3–84; 8:45 am]

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Notices

Federal Register
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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

Agricultural Marketing Service

[Marketing Agreement 146]

Peanuts, 1984 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of section 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1984 Crop Peanuts", "Outgoing Quality Regulation—1984 Crop Peanuts", and the "Terms and Conditions of Indemnification—1984 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended regulations and the Terms and Conditions of Indemnification be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regualtions and terms and conditions of indemnification for approval.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Information collection requirements contained in these regulations and terms and conditions of indemnification have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581–0067.

The 1984 Incoming Quality Regulation is the same as last year except for several changes in the provisions pertaining to loose shelled kernels. Those changes include a decrease in the size of the screens used by handlers in differentiating those loose shelled kernels which may be sold for human consumption from those which must be disposed of for inedible use. Another change allows loose shelled kernels eligible for sale to human consumption outlets to contain up to 5 percent ineligible kernels. A third change requires handlers to submit flow charts to the Committee diagraming the procedures and equipment used in the removal of loose shelled kernels and in the processing of splits.

The 1984 Outgoing Quality Regulation differes in two ways from last year. The outgoing moisture requirement for Virginia-Carolina area peanuts is lowered from 10 percent to 9 percent to conform to the moisture requirements for Southeastern and Southwestern area peanuts. Also, the screen sizes for determining loose shelled kernels which must be disposed of for inedible use are changed to conform with the Income Quality Regulation.

Several changes are made in the Terms and Conditions of Indemnification for 1984 crop peanuts. "Spanish jumbos" is added as a new category of peanuts eligible for indemnification separate from U.S. No. 1 Spanish. This new category is defined as shelled Spanish peanuts having not more that 5 percent kernels which fall through an $^{18}/_{64}$ x $^{3}/_{4}$ slot screen and which otherwise meet the grade requirements of U.S. No. 1 Spanish. The indemnification value for each category of U.S. splits "quota peanuts" is changed from two to three cents per pound less than the domestic market price for each category. The indemnification value for each category of "additional peanuts" is changed from 72.73 percent to 60 percent of the indemnification value of the corresponding category of "quota peanuts." The indemnification payment on lots of peanuts which are wholly indemnified is changed from two to three cents per pound less than the established indemnification value on that category of peanuts. The Indemnification Regulation is changed to provide that any handler who fails to remove, hold, and dispose of loose shelled kernels pursuant to the Incoming and Outgoing Quality regulations shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisaction of the Committee and/or any complaints of violations made by the Committee to the Secretary are resolved. Also, the terms of the sales contract between handlers and buyers are changed to provide that a buyer who wishes to return to the handler a lot of peanuts authorized for rejection on the bases of an "appeal" inspection must do so within 45 days of the date in which Committee management informs buyer of the "appeal" sample test results.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1984 Crop Peanuts", "Outgoing Quality REguation—1984 Crop Peanuts", and the "Terms and Conditions of Indemnification—1984 Crop Peanuts", are hereby approved

Dated: June 29, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

Incoming Quality Regulation—1984 Crop Peanuts

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions on peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more

than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus*.

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts*, no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided*, That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* (1) Handlers may separate from the loose shelled kernels received with farmers stock peanuts those sizes of kernels which ride screens with the following or larger slot openings: Runner—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{13}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption: *Provided*, That no more than 5 percent of such loose shelled kernels are kernels which would fall through screens with such minimum prescribed openings. Those loose shelled kernels which do not ride the screens shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated from the kernels which do not ride the prescribed screen, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(2) Each handler shall be required to submit to the Committee, prior to August 1, 1984, a flow chart for each plant operation diagraming the procedures and equipment used in the removal of loose shelled kernels and in the processing of splits. Upon any subsequent changes in such flow, procedures, or equipment, the handler shall submit to the Committee a revised flow chart reflecting those changes.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus*, and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus*, shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragrpah (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided*, That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further dispositions or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Further diposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 2 and 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection

Service to be Segregation 2 or Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 2 and Segregation 3 peanuts from milling for edible use. If any lot of Segregation 2 or Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Farmers stock storage and handling facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of current crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. Handlers shall also report to the Committee, the locations at which they will receive or acquire current crop farmers stock peanuts. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. Any conditions in warehouses, elevators, pits, and other farmers stock handling equipment conducive to the growth or spread of *Aspergillus flavus* mold shall be corrected to the satisfaction of the Committee. The Committee may make periodic inspections of farmers stock storage and handling facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h)(1) of the Outgoing Quality Regulation.

Outgoing Quality Regulation—1984 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels (inch round)	Whole kernels (inch slot)
Runners	13/64	15/64 x 3/4
Spanish and Valencia	15/64	15/64 x 3/4
Virginia except "No. 2 Virginia"	17/64	15/64 x 1.
"No. 2 Virginia"	[1] 17/64	([1])

[1] Only for split, broken and whole kernels.

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) Damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits; (b) for Spanish, 2.00 percent whole kernels which will pass through 15/64 x 3/4 slot screen; for Runners, 3.00 percent whole kernels which will pass through 15/64 x 3/4 inch slot screen; and for Virginias, 3.00 percent whole kernels which will pass through 15/64 x 1 inch slot screen; and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) With more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculture laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot od edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2", and "Sample #3" and each sample shall be placed in a suitable container and

"positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample #1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1–CD". Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least, identifying information as to the handler (shipper), the buyer (receiver), if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill". The resultant ground Subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB". Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill". The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB". Subsamples 2–AB and 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost (specified by the Committee) of drawing the three 48–pound samples, grinding of Samples #1 and preparation and delivery of Subsampe 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples or subsamples have been lot, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler. The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. The crop year that is shown on the positive lot identification tags, or other means of positive lot identification shall accurately describe the crop year in which the peanuts in the lot were produced. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machie sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requiremetns applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{14}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{14}/_{64}$ x 1 inch; and fall through and pickouts shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens prescribed in pargraph 9(d)(1) of the Incoming Quality Regulation; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed during the final milling process at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Such categories may be kept separate or be commingled in the same lot and shall be bagged in suitable

new bags or clean, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be identified by positive lost identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such dispostion. Sales or transfer of such peanuts, to exporters who are not handlers under the marketing agreement, shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted"crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which are disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restriced meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. Such meal may also be used for research purposes, subject to the approval of the Executive Subcommittee. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by the Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin in laboratories approved by the Committee or by a USDA laboratory, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to or contract with other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects, moisture, or foreign material or are positive as to aflatoxin: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 2 percent foreign material. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be retained by the handler until the peanuts are blanched and certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. The residual peanuts, excluding skins and hearts, resulting from blanching under these provisions, shall be bagged and red tagged and disposition shall be that such peanuts are returned to the handler for further disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation; *OR,* in the alternative, if such residuals are positive lot identified by a Federal or Federal-State Inspection Service, they may be disposed of by the blancher to domestic crushing or a Committee approved exporter. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) To domestic crushing, (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Sales or transfer of such peanuts to exporters who are not handlers under

the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (l)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted". Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(4) Handlers may contract with Committee approved remillers for remilling shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a) of the Outgoing Quality Regulation: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 10 percent fall through or 2 percent foreign material. Lots of peanuts moved under these provisions must be accompanied by a valid grade inspection certificate and an aflatoxin assay certificate and must be positive lot identified. Handlers who move such peanuts to an approved remiller shall report to the Committee, on a form furnished by the Committee, the movement of each such lot. The title of such peanuts shall be retained by the handler until the peanuts have been remilled and certified by the Federal or Federal-State Inspection Service as meeting the requirements for disposition to human consumption outlets specified in paragraph (a), and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Remilling under these provision may include composite remilling of more than one such lot of peanuts owned by the same handler. However, such peanuts owned by one handler shall be held and remilled separate and apart from all other peanuts. The residual peanuts resulting from remilling under these provisions shall be bagged and red-tagged and disposed of to domestic crushing by the aproved remiller or they may be returned to the handler for disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation. Remilling under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such remilling.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operation separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) May be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation; or (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) To other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) To other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Association and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) To other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are

approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) To another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by the Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.* (1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such disposition to export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k)(1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may sell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting, and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k)(2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k)(2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, and pickouts commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2), and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) With any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shell peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 30 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 15/64 x 3/4 inch slot; Runner 16/64 x 3/4 inch slot; and Virginia 15/64 x 1 inch slot. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) With any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted disposition (crushing or export), such peanuts, before commingling and after commingling shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality

requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lots of loose shelled kernals, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels, fall through and pickouts commingled pursuant to paragraphs (g) (2), and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

Handlers who acquire, from other handlers, or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (1)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The handler's "in-land" bill of lading and his invoice covering the shipment shall include the following statement: "The peanuts covered by this bill of lading (or invoice) are limited to crushing only and may contain aflatoxin". Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (1)(2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

Terms and Conditions of Indemnification—1984 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxtin content as shown by the results of chemical assay.

If the chemical assay results on samples drawn prior to shipment pursuant to paragraph (c) of the Outgoing Quality Regulation are so high in aflatoxin content that a lot of peanuts should be handled pursuant to these Terms and Conditions, the handler shall certify to the Committee within ten (10) days of the date shown on the aflatoxin certificate whether the milling of the peanuts in the lot was supervised by the Area Association as "additional peanuts". For the purposes herein, the term "additional peanuts" means any peanuts other than "quota peanuts" which are milled under the supervision of the Area Association.

To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in paragraphs (a) and (c) of the Outgoing Quality Regulation and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions, and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing, cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, less three cents per pound. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the

Committee for milling or freight, but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the third from the last paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus an allowance for remilling of two and one-half cents per pound on the original weight. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner. However, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot have been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on current crop year peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification, and the indemnification payment on such lot shall be the indemnification value of the peanuts in the original lot, less three cents per pound, plus other applicable costs authorized heretofore. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on current crop year peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the current crop year shall be received by the Committee no later than November 1, following the end of the current crop year.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Buyer shall give the Peanut Administrative Committee (Committee) office notice of any request made to the Federal or Federal-State Inspection Service for an "appeal" inspection for aflatoxin. Results of the "appeal" inspection will be reported by the Federal or Federal-State Inspection Service or other designated lab to Committee management. If the Committee management determines that the test results of the "appeal" sample show the lot to be high in aflatoxin, Committee management shall inform the buyer and handler of the results. In this case, the buyer may apply to reject the lot and return it to the handler by filing a rejection letter with Committee management. Upon a determination of the Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller, and such peanuts shall be reoffered to the buyer to satisfy the covering contract, pending successful remilling and/or blanching. Alternatively, seller may replace any rejected lot of peanuts with another lot if he elects to do so. Buyer must return the rejected lot to the seller within 45 days of the date on which Committee management informs buyer of the "appeal" sample test results, otherwise the buyer agrees that he forfeits the right to reject the lot and return it to the seller.

If the buyer's or receiver's name is shown on the certificates covering a lot which, upon the pretesting sampling procedure prescribed in paragraph (c) of the Outgoing Quality Regulation, exceeds Committee requirements for wholesomeness as to aflatoxin, such peanuts shall be offered to the buyer to satisfy the existing applicable contract, pending successful remilling and/or blanching. Alternatively, seller may replace any rejected lot of peanuts with another lot, if he elects to do so.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the

Committee on current crop year peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the Incoming Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Any handler who fails to cause positive lot identification on any lot of peanuts to accurately reflect the crop year in which such peanuts were produced, pursuant to paragraph (d) of the Outgoing Quality Regulation, shall be ineligible for any indemnification payments until such violation is corrected to the satisfaction of the Committee.

Any handler who fails to remove, hold, or dispose of loose shelled kernels pursuant to paragraph (d)(1) of the 1984 Incoming Quality Regulation or paragraph (g) of the 1984 Outgoing Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee and/or any complaints of violations made by the Committee to the Secretary are resolved.

Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—

(1) U.S. Jumbos

(2) U.S. Fancy Handpicks

(3) Valencia—Roasting Stock [1]

U.S. Grade shelled peanuts—

(1) U.S. No. 1

(2) U.S. Splits

(3) U.S. Virginia Extra-Large

(4) U.S. Virginia Medium

Shelled peanuts "with splits"—

(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernel which will pass through a 16/64 x 3/4 slot screen.

(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 16/64 x 3/4 slot screen.

(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a 15/64 x 1 slot screen.

Shelled Spanish jumbos—

Spanish having not more than 5 percent kernels which fall through an 18/64 x 3/4 slot screen and which otherwise meet the grade requirements of U.S. No. 1 Spanish.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) Were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Regulation; (2) failed the Outgoing Quality Regulation due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; and (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

For the purpose of paying indemnification beginning August 1, of the current crop year, the domestic market price for each category of peanuts shall be determined by averaging the price(s) listed in the Peanut Market News, per category, during the most recent four week period. Such weekly price calculations shall extend to May 31, of the current crop year and the average price per category as of May 31, 1985, shall be applied during the remainder of the crop year.

For the purpose of determining indemnification values, the term "quota peanuts" means peanuts marketed, or considered marketed, for domestic edible use, as defined by USDA–ASCS; and the term "additional peanuts" means any peanuts other than "quota peanuts" which are milled under the supervision of the Area Association.

The indemnification value for each category of "quota peanuts" eligible for indemnification, except U.S. Splits of all types, shall be the domestic market price established during the averaging period less two cents per pound (on the pounds indemnified) or the most recent price category listed in the Peanut Market News, whichever is lower. The indemnification values of U.S. Splits categories shall be the domestic market price established during the averaging period less three cents per pound.

The indemnification value for "additional peanuts" shall be equal to 60 percent of the established indemnification value, per category, of "quota peanuts".

The grade categories to which the indemnification values shall be applied are as follows:

Runners [1]	Virginias	Spanish
Jumbo	U.S. Extra Large	Spanish Jumbo.
Medium	U.S. Medium	U.S. No. 1.
Select	U.S. No. 1	Spanish with Splits.
No. 1 (−18+16 screens).	Virginias with Splits.	U.S. Splits.
Mill run with or without Splits.	U.S. Splits	
U.S. Splits		

[1] Southeastern Peanut Association grades.

[FR Doc. 84-17733 Filed 7-3-84; 8:45 am]

BILLING CODE 3410-02-M

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

Human Nutrition Information Service

Joint Nutrition Evaluation Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: Joint Nutrition Monitoring Evaluation Committee.

Date: July 20, 1984.

Place: Conference Room 643A, Federal Building, 6505 Belcrest Road, Hyattsvile, MD 20782.

Time: 9:00 a.m. to 5:00 p.m.

Purpose: to evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population.

Agenda: The agenda for the fifth meeting will include the following items: review text and charts completed to date and plan future work.

The meeting is open to the public. There is a limited amount of space available for public attendance. Written statements or comments of concern to the committee may be submitted to Isabel D. Wolf, Administrator, Human Nutrition Information Service, 6505 Belcrest Road, Room 360, Hyattsville, MD 20782.

Done at Washington, DC, this 29th day of June 1984.

Isabel D. Wolf,

Administrator.

[FR Doc. 84-17763 Filed 7-3-84; 8:45 am]

BILLING CODE 3410-KE-M

Soil Conservation Service

Oaklimeter Creek Subwatershed, Mississippi

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oaklimeter Creek Subwatershed, Benton, Marshall, Union, and Tippah Counties, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. A. E. Sullivan, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone number (601) 690–5205.

SUPPLEMENTARY INFORMATION: The environmental assessement of this federally assisted action indicates this project will not cause significant local, regional, or national impact to the environment. As a result of these findings, Mr. A. E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns the construction of a sediment and grade control structure. Construction will result in the conversion of two acres of forestland and two acres of cropland to water, and two acres of forestland and one acre of cropland to embankment and spillway areas.

The Notice of Findings of No Significant Impact has been forwarded to the Environment Protection Agency. The basic data developed during the environmental assessement are on file and may be reviewed by contacting Mr. A. E. Sullivan. The Notice of Finding of No Significant Impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of Finding of No Significant Impact are available to fill single copy requests at the above address.

No administrative action or implementation of the proposal will be taken until 30 days after the publication in the Federal Register.

Dated: June 8, 1984.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

A.E. Sullivan,

State Conservationist.

[FR Doc. 84–17716 Filed 7–3–84; 8:45 am]

BILLING CODE 3410–16–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

June 29, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form nunber(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Stabilization and Conservation Service

Application for Payment (National Wool Act)
CCC–1155
Annually
Farms: 125,000 responses; 31,250 hours; not applicable under 3504(h)
Harry Millner (202) 475–3605

- Rural Electrification Administration

Financial Forcast Electric Distribution Systems
REA–325 A–K
On Occasion
Small Businesses: 500 responses; 10,000 hours; not applicable under 3504(h)
Milton E. Wright (202) 382–1936

- Rural Electrification Administration

Field Trials
REA–399 b
On Occasion
Small Businesses: 80 responses; 320 hours; not applicable under 3504(h)
E. J. Cohen (202) 382–8698

Reinstatement

- Food and Nutrition Service

ATP Reconciliation Report
FNS–46
Monthly
State of Local Governments: 5,820 responses; 47,072 hours; not applicable under 3504(h)
Paul Jones (703) 756–3439

- Agricultural Stabilization and Conservation Service

Agricultural foreign Investment Disclosure Act Report
ASCS–153
On Occasion
Individuals or House holds, Farms Businesses other for-Profit: 4,375 responses; 2,108 hours; not applicable under 3504(h)
William Brown (202) 447–6833

Revised

- Rural Electrification Administration

Operating Report
REA–12 A–J
Annually
Small Businesses: 1,237 responses; 7,422 hours; not applicable under 3504(h)
Charles R. Weaver (202) 382–1900.

Jane A. Benoit,

Acting Department Clearance Officer.

[FR Doc. 84–17783 Filed 7–3–84; 8:45 am]

BILLING CODE 3410–01–M

Section 22 Import Fees; Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of section 22 of the Agricultural Adjustment Act of 1933, as

amended. This notice announces those determinations for the third calendar quarter of 1984.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert G. Harper, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–382–9061).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 5164, dated March 19, 1984, Headnote 4 of Part 3 of the Appendix to the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the adjusted daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar, and Cocoa Exchange), expressed in United States cents per pound, in bulk, is less than the market stabilization price. The market stabilization price for the third calendar quarter of 1984 is 21.17 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter: (1) Exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent; or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent. Paragraph (c)(i) of Headnote 4 further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent.

The average of the adjusted daily spot (domestic) price quotations for raw sugar for the applicable period prior to the third calendar quarter of 1984 has been calculated to be 22.0495 cents per pound. This results in a fee of 0.00 cent per pound for item 956.15, since the adjusted average spot price is greater than 21.17 cents. Accordingly, the fee for items 956.05 and 957.15 for the third calendar quarter of 1984 is 1.00 cent per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Commissioner of Customs and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the third calendar quarter of 1984 shall be as follows:

Item	Fee (cents per lb)
956.05	1.00
956.15	0.00
957.15	1.00

The amounts of such fees have been certified to the Commissioner of Customs in accordance with paragraph (c)(v) of Headnote 4.

Signed at Washington, D.C. on June 29, 1984.

Richard E. Lyng,

Acting Secretary of Agriculture.

[FR Doc. 84–17777 Filed 6–29–84; 4:07 pm]

BILLING CODE 3410–10–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 31–84]

Foreign-Trade Zone 21, Dorchester County, South Carolina; Amendment of Subzone Application for Porsche Auto Plant in Charleston, South Carolina

Notice is hereby given that the application submitted to the Foreign-Trade Zones Board (the Board) on June 1, 1984, by the South Carolina State Ports Authority, grante of Foreign-Trade Zone 21, requesting special-purpose subzone status for the automobile preparation operation of Porsche Cars North America, Inc., in Charleston, South Carolina (49 FR 23669, 6/7/84) has been amended to include until April 1, 1985, 50,000 square feet of storage space within a 312,000 warehouse facility at the Charleston Distribution Center, 5801 North Rhett, Hanahan, S.C. The subzone plan as discussed in the original application remains otherwise unchanged.

Because of this amendment, the period for public comments is extended to July 20, 1984. Written comments should be addressed to the Executive Secretary at the address below. The amendment material is available for public inspection at the following locations:

Port Director's Office, U.S. Customs Service, 200 E. Bay St., P.O. Box 876, Charleston, S.C. 29402

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW., Rm. 1872, Washington, D.C. 20230.

Dated: June 29, 1984.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 84–17798 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–DS–M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Santek, Inc. of Greensboro, North Carolina a partial exclusive right to practice the invention embodied in U.S. Patent 4,275,163 and an exclusive license under U.S. Patent Application S.N. 6–479,221, both "Cellulase-Producing Microorganisms." The patent rights in both these inventions have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed licenses may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed licenses would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 84–17695 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–04–M

Office of the Secretary

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Patent and Trademark Office
Title: Admittance to Practice Before the Patent and Trademark Office
Form numbers: Agency—PTO 275 et al.; OMB—0651–0010
Type of request: Revision of a currently approved collection
Burden: 15,000 respondents; 2,700 reporting hours
Needs and uses: The information collected is used to administer and maintain the roster of attorneys and agents registered to practice before the Patent and Trademark Office.
Affected public: Individuals or households, federal agencies or employees
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Agency: Patent and Trademark Office
Title: Request for Information From the Public
Form numbers: Agency PTOL—284 et al.; OMB—0651–0010
Type of request: Revision of a currently approved collection
Burden: 340 respondents; 34 reporting hours
Needs and uses: The information requested is used in monitoring assistance received in preparing employment programs, and evaluating job applicants.
Affected public: Individuals or households, state or local governments, farms, businesses, or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Agency: Patent and Trademark Office
Title: Public Requests for Services
Form numbers: Agency—PTOL—271 et al.; OMB—0651–0010
Burden: 15,000 respondents; 251,505 reporting hours
Needs and uses: The various information collection instruments are used to provide services to the public.
Affected public: Individuals or households, state or local governments, farms, businesses, or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Agency: Patent and Trademark Office
Title: Evaluation of Services Provided to the Public
Form numbers: Agency—PTO—1518 et al.; OMB 0651–0010
Type of request: Revision of a currently approved collection
Burden: 16,000 respondents; 3,040 reporting hours
Needs and uses: The information collected is used to evaluate and improve services provided to the public.
Affected public: Individuals or households, farms, businesses or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen, 395–3785

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: June 28, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 82–17794 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Minority Business Development
Title: Memorandum of Understanding for City/State Governments
Form number: Agency-N/A OMB–N/A
Type of request: Existing collection in use without an OMB control number
Burden: 150 respondents; 150 reporting hours
Needs and uses: The memorandums of understanding are used to identify opportunities that city and state governments will provide in support of minority business development.
Affected public: State and local governments
Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the OMB Desk Officer, Room, 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: June 28, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84–17795 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–CW–M

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Joint Venture Vessel Study
Form numbers: Agency-N/A; OMB-N/A
Type of request: New collection
Burden: 100 respondents; 17 reporting hours
Needs and uses: Joint ventures on the east coast of the United States—the transfer of fish caught by domestic vessels to foreign processing vessels—were initiated in 1981. Joint ventures culminate negotiations among U.S. industry, foreign vessel and domestic vessel representatives. The questionnaire will provide an opportunity for domestic vessel operators to have input to the joint venture policy process, an avenue currently not available to the same degree as for others involved.
Affected public: Businesses or other for-profit institutions, small businesses or organizations.
Frequency: On occasion
Respondent's obligation: Voluntary
OMB desk officer: Sherri Fox, 395–7231

Agency: National Oceanic and Atmospheric Administration
Title: Small Takes of Marine Mammals Incidental to Specified Activities

Type of request: Existing collection in use without an OMB control number
Burden: 9 respondents; 54 reporting hours
Needs and uses: The Marine Mammal Protection Act (MMPA) imposed with certain exceptions, an indefinite moratorium on the taking of marine mammals. Section 101(a)(5) of the MMPA, as amended in 1981, directs the Secretary of Commerce to allow, upon request, the taking of a small number of marine mammals incidental to specified activities. Regulations were promulgated in 1982 outlining the application process to obtain a waiver to the moratorium. Presently this procedure is limited to U.S. citizens conducting seismic activities in the Beaufort Sea.
Affected public: State or local governments, businesses or other for-profit institutions, federal agencies or employees
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Sherri Fox, 395–7231

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20503.

Written comments and recommendations for the proposed information collections should be sent to the OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: June 28, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84–17796 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–CW–M

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration
Title: Report on Destruction or Proof of Return to U.S. or to Foreign Service Facility
Form numbers: Agency—EAR 371.17(f)(3) OMB—formerly 0625–0066
Type of request: Reinstatement of a previously approved collection for which approval has expired
Burden: 180 respondents; 30 burden hours
Needs and uses: This report eliminates the need of submitting an export license application when returning U.S. commodities to a communist country that was previously exported from the U.S. By requiring these reports, the Office of Export Administration is able to verify that the goods that have actually been service, or will be serviced, were actually authorized by OEA for export to a communist country for a civilian end-user.
Affected public: Businesses or other for-profit; small businesses or organizations
Frequency: On occasion
Responent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Agency: International Trade Administration
Title: Monthly Report on Export of Parts to Service Equipment shipped Against a Validated License
Form numbers: Agency—EAR-376.4(d); OMB—Formerly 0625–0067
Type of request: Reinstatement of a previously approved collection for which approval has expired
Burden: 100 respondents; 200 burden hours
Frequency: Monthly
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Agency: International Trade Administration
Title: Report on Destruction or Proof of Return to U.S. or to Foreign Facility
Form Numbers: Agency—EAR 371.17(d)(3) OMB—formerly 0625–0068
Type of request: Reinstatement of a previously approved collection for which approval has expired
Burden: 150 respondents; 600 burden hours
Needs and uses: In order to insure that a defective or unacceptable commodity is either destroyed or returned to the U.S., the exporter providing the replacement part or equipment must file a report with OEA within two weeks of clearance of the replacement commodity through customs. Exporters using this procedure do not have to apply for an export license.
Affected public: Businesses or other for-profit; small businesses or organizations
Frequency: On occasion
Responent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Ken Allen, OMB Desk Officer, Room 3235, New Exectutive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84–17797 Filed 7–3–84; 8:45 am]

BILLING CODE 3510–CW–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange; Proposed Rules Relating to Establishment of a Mutual Offset System With the Singapore International Monetary Exchange, Ltd.; Close of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of close of comment period.

SUMMARY: On April 20, 1984, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a notice of proposed contract market rule changes which have been submitted by the Chicago Mercantile Exchange ("CME") and which are intended to implement a mutual offset system with the Sinagpore International Monetary Exchange Ltd. ("SIMEX"). 49 FR 16827. The comment period on the proposed rule changes was originally scheduled to expire on May 21, 1984. The Commission subsequently extended that comment period for thirty days after the later of the date upon which all petitions for confidentiality filed by or on behalf of the CME with respect to that submission were resolved or the CME submission was completed by the filing of an executed agreement between the CMX and SIMEX. 49 FR 21785 (May 23, 1984).

On June 28, 1984, the CME file with the Commission executed copies of the agreements between CME and SIMEX as well as a waiver of all pending claims for confidentiality in this matter. The period for public comment on the CME proposal will therefore expire on July 30, 1984. The agreements may differ in certain respects from the representations that had earlier been made by the CME to the Commission with respect to the contemplated contents of the agreements and, therefore, from the description of the agreements provided by the Commission

in the April 20, 1984 Federal Register notice. Interested pesons may obtain copies of the agreements from the Commission's Secretariat at the address and phone number specified below and from the Commission's regional offices in New York and Chicago.

DATE: Comments must be received on or before July 30, 1984.

ADDRESS: Interested persons should submit comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Patricia Cooper, Attorney-Advisor, Division of Trading and Markets, at the above address. Telephone: (202) 254–8955.

Issued in Washington, D.C. on June 29, 1984 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84–17885 Filed 7–3–84; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; New System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice for a new system of records.

SUMMARY: The Department of the Air Force proposes to add a notice for a new system of records subject to the Privacy Act of 1974. The system notice is set forth below.

DATE: The new system will be effective August 6, 1984, unless public comments are received which result in a contrary determination.

ADDRESS: Send comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S), Room 4A–1088, the Pentagon, Washington, DC 20330. Telephone: (202) 694–3431.

SUPPLEMENTARY INFORMATION: The Department of Air Force notices for systems of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), have been previously published in the Federal Register.

A new system report as required by 5 U.S.C. 552a(o) was submitted on May 18, 1984.

June 29, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

June 29, 1984.

FO35 SAC D

SYSTEM NAME:

Officer Quality Force Management Records.

SYSTEM LOCATION:

Headquarters Strategic Air Command (SAC), Quality Force Management Division, Directorate of Personnel Programs (DPAA), Offutt AFB NE 68113.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officers assigned or attached to SAC whose performance, conduct, or alleged misconduct, may, or has resulted in initiation of administrative action(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

Unfavorable information relating to the subject such as drug and alcohol abuse, nonrecommendation for promotion, substandard performance, unacceptable conduct or unfitness, and status and dates of pending or completed administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: Powers and duties; delegation by, and 8074, Commands; territorial organization.

PURPOSE(S):

To provide information to Commander in Chief SAC and staff members who make decisions on officer's qualification for continuation on active duty, or further consideration for promotion. Used to evaluate and monitor status of actions on subjects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records from this system may be disclosed for any of the blanket routine uses published by the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computer and computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know. Records and computer software are stored in locked cabinets in locked rooms in buildings protected by guards.

RETENTION AND DISPOSAL:

Retained until superseded, obsolete, or no longer needed for reference, whichever is sooner; paper records are destroyed by shredding, pulping, macerating or burning; and computer records are overwritten or degaussed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Qaulity Force Management Division, Directorate of Personnel Programs (HQ SAC/DPAA), Offutt AFB NE 68113.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Full name, military status, grade, and SSN are required to determine if the system contains records on an individual. Visitors must provide positive proof of identity such as a military ID card, valid drivers license, or some item of information which can be verified from the records. The authority for soliciting the SSN is the same as the authority listed above for operating the system. Disclosure of the SSN, which will only be used to retrieve records from the system, is voluntary. Failure to provide the SSN will make it difficult to insure accurate retrievals of information.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORDS PROCEDURE:

The Air Force's rules for access to records and for contesting and appealing initial determination may be obtained from the System Manager and are published in Air Force Regulation (AFR) 12–35.

RECORDS SOURCE CATEGORIES:

Information obtained from source documents, the individuals concerned, member's commander, Chief Quality Force Management Division, Consolidated Base Personnel Offices, and the office of the SAC Staff Judge Advocate General.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-17737 Filed 7-3-84; 8:45 am]
BILLING CODE 3910-01-M

Office of the Secretary

Privacy Act of 1974; Systems of Records: Amended Systems

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of a notice for a system of records.

SUMMARY: The Office of the Secretary of Defense (OSD) proposes to amend the notice for a system of records subject to the Privacy Act of 1974. The system notice is amended as set forth below, followed by the amended system notice in its entirety.

DATES: This shall be effective without further notice August 6, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, DC 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 44 Stat. 1896, *et seq.*) have been published in the **Federal Register** at:

FR Doc. 83-12048 (48 FR 25827) June 6, 1983

FR Doc. 84-4418 (49 FR 6145) February 18, 1983

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

June 28, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

Amendments DGC 02

System Name:

Private Relief Legislation (48 FR 25827, June 6, 1983).

Changes:

Delete Paragraph under the heading *"System Location"* and add "Legislative Reference Division Legal Services Agency, Department of Defense, Pentagon, Washington, DC 20301."

Delete the words "Office of the General Counsel, Office of the Secretary" under the heading *"Categories of Records in The System"* and add "Department."

Delete the words "Office of the General Counsel, Office of the Secretary, 4A948, under the heading *"System Manager(s) and Address"* and add "Defense Legal Services Agency, Department, 3D282.

Delete the words "Office of the General Counsel, Office of the Secretary, 4A948, under the heading *"Notification Procedures"* and add "Defense Legal Services Agency, Department, 3D282.

Delete the words "Manpower, Health and Public Affairs", 988, 2714, Under the heading *"Record Access Procedures"* and add "Legal Counsel, 988, 2714."

Delete the Paragraph under heading *"Contesting Record Procedures"* and add "Office of the Assistant General Counsel (Legal Counsel), at the address above may be contacted to obtain rules for contesting contents of records and appealing initial determinations."

Add the following heading *"PURPOSE(S)"* before the heading *Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses.*

Add the following Paragraph under the above heading.

"These files are used by the Attorneys in the Office of the General Counsel, Office of the Secretary of Defense and Personnel in the Department of Defense to produce working papers in development of a department position."

Delete the heading *"Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses."*

Delete the paragraph under the above heading.

Delete the Heading *"Internal Users, Uses, and Purposes."*

Delete the paragraph under the above heading.

Delete the heading *"External Users, Uses, and Purposes"* and add the heading *"Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses."*

System D6C 02 reads as follows:

SYSTEM NAME:

Private Relief Legislative File.

SYSTEM LOCATION:

Legislative Reference Service, Defense Legal Services Agency, Department of Defense, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Private relief legislation files of the Department of Defense, contain the history of legislation concerns individuals and contains information about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S. Code, section 133 and 137.

PURPOSE(S):

These files are used by the attorneys in the Office of the General Counsel, Office of the Secretary of Defense and personnel in the Department of Defense to produce working papers in development of a department position.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name and bill number.

SAFEGUARDS:

Stored in metal filing cabinets where they are kept in a locked room.

RETENTION AND DISPOSAL:

Files are retained as long as there is an office interest in the legislation after which they are destroyed or retired to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Legislative Reference Service, Defense Legal Services Agency, Department of Defense, Room 3D282, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Written request for information should be addressed to the System Manager, Director, Legislative Reference Service, Defense Legal Services Agency, Department of Defense, Room 3D282, Pentagon, Washington, D.C. 20301. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Procedure for gaining access by an individual to his records may be obtained from the following: Office of the Assistant General Counsel (Legal Counsel), Room 3E988, Pentagon, Washington, D.C. 20301, 202–697–2714.

CONTESTING RECORD PROCEDURES:

Office of the Assistant General Counsel (Legal Counsel), at the address above may be contacted to obtain rules for contesting contents of records and appealing initial determinations.

RECORD SOURCE CATEGORIES:

Information contained in Private Relief Legislative files is obtained from various sources including correspondence with the Legislative Branch and inputs by the components of the Department of Defense.

EXEMPTIONS CLAIMED UNDER THIS SYSTEM:

None.

[FR Doc. 84–17736 Filed 7–3–84; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before August 6, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB may amend or waive the requirement for public consultation to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract.

The OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: June 29, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Educational Research and Improvement

Type of Review Requested: New.
Title: Fast Response Survey System: Survey of Remedial Studies in Postsecondary Education
Agency Form Number: ED 2379–19
Frequency: Non-Recurring
Affected Public: State or Local Governments; Businesses or Other For-Profit; Non-Profit Institutions
Reporting Burden: Responses: 500; Burden Hours: 333.

Abstract: This survey seeks to obtain information from a nationally representative sample of two and four year institutions concerning the nature and extent of remedial programs.

Type of Review Requested: New.
Title: Verification of the Universe of Postsecondary Education Providers (VUPEP) Survey
Agency Form Number: ED 2472
Frequency: Annually
Affected Public: State or Local Governments; Non-Profit Institutions
Reporting Burden: Responses: 10,000; Burden Hours: 167

Abstract: This postcard survey will verify the universe of postsecondary education providers and provide a sampling frame for the Integrated Postsecondary Education Data System which the National Center for Education Statistics is implementing to replace its three postsecondary surveys. The survey will be sent to 10,000 institutions.

Type of Review Requested: New.
Title: Pilot Study for Integrated Postsecondary Education Data System (IPEDS)
Agency Form Number: ED 2473
Frequency: Non-Recurring
Affected Public: State or Local Governments; Businesses or Other For-Profit; Non-Profit Institutions
Reporting Burden: Responses: 2,530; Burden Hours: 2,480

Abstract: One-time pilot study testing forms and procedures proposed for the Integrated Postsecondary Education Data System (IPEDS) replacing the Higher Education General Information Survey, Postsecondary Vocational Education Data System, and noncollegiate surveys. The intent of IPEDS is to eliminate redundancy, reduce burden and permit similar data to be comparable across postsecondary sectors.

Office of Elementary and Secondary Education

Type of Review Requested: New.
Title: Chapter 1 Recognition Nomination Form
Agency Form Number: ED 2474
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden: Responses: 255; Burden Hours: 1,275

Abstract: Information will be used to select outstanding Chapter 1 projects to receive a national award. Each State educational agency may nominate up to five projects. The submisson of nominations is voluntary and does not affect program funding or eligibility.

Type of Review Requested: New.
Title: Financial and Performance Reports for Law-Related Education
Agency Form Number: ED 740–1; –2
Frequency: Annually
Affected Public: State or Local Governments; Other Public and Private, Non-Profit Agencies, Organizations, and Institutions
Reporting Burden: Responses: 12; Burden Hours: 72
Recordkeeping Burden: Recordkeepers: 12; Burden Hours: 48

Abstract: Grantees are required under the Education Department's General Administrative Regulations to report on project expenditures and the extent to which the project objectives are achieved as described in the application.

Type of Review Requested: Extension

Title: Application for Disaster Assistance Under Section 7 of Pub. L. 81–874
Agency Form Number: ED 423
Frequency: Intermittent
Affected Public: State or Local Governments
Reporting Burden: Responses: 250; Bureen Hours: 500

Abstract: Local Educational Agencies may apply for disaster assistance. ED uses the data to determine eligibility of a local educational agency and amount of the grant award.

Type of Review Requested: Extension
Title: Preapplication for Federal Assistance (Construction) Under Pub. L. 81–815 (ED 355); Application for Federal Assistance (Construction) Under Pub. L. 81–815 (ED 355–1)
Agency Form Number: ED 355; 355–1
Frequency: (Determined by Applicant)
Affected Public: State or Local Governments
Reporting Burden: Responses: 38; Burden Hours: 380

Abstract: Local Educational Agencies in federally impacted areas use the preapplication to provide data needed for departmental evaluation and determinations as to eligibility, extent of need, and amount of entitlement.

Type of Review Requested: Reinstatement
Title: Financial and Performance Reports for Follow-Through Program CFDA 84–014
Agency Form Number: ED 4473–1 (OE 376)
Frequency: Annually
Affected Public: Local Educational Agencies; Other Public and Private, Non-Profit Agencies, Organizations, and Institutions
Reporting Burden: Responses: 93; Burden Hours: 2,790
Recordkeeping Burden: Recordkeepers: 93; Burden Hours: 1,116

Abstract: Grantees are required under the Education Department's General Administration Regulations to submit financial and performance reports on project expenditures and the extent to which project objectives are achieved as described in the application.

Office of Bilingual Education and Minority Languages Affairs

Type of Review Requested: Revision
Title: Application for New and Non-Competing Participation in Bilingual Education Fellowship Program
Agency Form Number: ED 4651–2; –2A; –2B; –2C; –2D
Frequency: Annually
Affected Public: Public or Other Non-Profit Institutions
Reporting Burden: Responses: 45; Burden Hours: 1,800
Recordkeeping Burden: Recordkeepers: 40; Burden Hours: 1,200

Abstract: Institutions of higher education use these forms to request approval of their graduate programs of study and to report annually on the amount of funds spend per fellowship. The student nomination form also becomes part of the award document.

Office of Planning, Budget and Evaluation

Type of Review Requested: New
Title: Longitudinal Study of the National Evaluation of Services for Language Minority Limited English Proficient Students
Agency Form Number: ED 923
Frequency: On Occasion
Affected Public: Individuals or Households; State or Local Governments
Reporting Burden: Responses: 227,523; Burden Hours: 55,655.6

Abstract: The study's purposes are to provide Federal, State and local policymakers with information on the effectiveness of (1) the different types of services provided to elementary Language Minority Limited English Proficient students in enabling them to function in all English medium classrooms; and (2) Title VII, Native American projects. Information will be collected from school and district staff, teachers, students, and parents.

Office of Postsecondary Education

Type of Review Requested: Extension
Title: State Student Incentive Grant Performance Report and Financial Status Report
Agency Form Number: ED 1288–1; –2
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden: Responses: 57; Burden Hours: 171
Recordkeeping Burden: Recordkeepers: 57; Burden Hours: 57

Abstract: These reports fulfill the statutory requirement of Section 415C(b)(8), Higher Education Act of 1965, as amended. The data are used to determine the nature of program accomplishments and compliance with fiscal requirements.

[FR Doc. 84–17774 Filed 7–3–84; 8:45 am]
BILLING CODE 4000–01–M

Office of Postsecondary Education

Graduate and Professional Opportunity Fellowships Program; Application Notice for Fiscal Year 1985

Applications are invited from institutions of higher education for grants to make fellowship awards under the Graduate and Professional Opportunity Fellowships Program (G*POP).

Authority for this program is contained in Part B of Title IX of the Higher Education Act of 1965, as amended (20 U.S.C. 1134d–1134g).

The Graduate and Professional Opportunity Fellowships Program provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need and who are predominantly from groups which are traditionally underrepresented in graduate and professional study areas of high national priority.

Closing Date for Transmittal of Applications: An application for a grant must be postmarked or hand-delivered by October 19, 1984.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.094, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except

Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: The Administration's budget for fiscal year 1985 does not include funds for the Graduate and Professional Opportunity Fellowships Program. However, applications are invited to allow for sufficient time to evaluate applications and complete the grants process prior to the end of the fiscal year, should the Congress appropriate funds for this program. If funds are appropriated, the Congress will be asked again to enact legislation overriding the minimum $75,000 award that can be made to an institution under the statute.

The Secretary will give first priority to providing continuation support for fellows in their second or third year who are in good academic standing. Then, if there are sufficient funds available, the Secretary will allocate one to three new fellowships in each approved academic or professional area of study to each institution receiving an award.

Program Information: Each institutional applicant applying for new fellowships under this Application Notice will be ranked according to the selection criteria set out as 34 CFR 649.12, governing the Graduate and Professional Opportunity Fellowships Program. Under these criteria, each institutional applicant may apply for fellowships in up to six academic or professional areas of study, with preference being given, among other criteria, to those applicants whose choice of the area of study is justified by providing evidence of underrepresentation, and evidence of national need.

The Secretary makes only one-year grant awards. In accordance with the provisions of § 649.11(a)(2) of the regulations and subject to the availability of funds, any continuation support needed for fellows to complete their degree programs will be provided in subsequent fiscal years.

The Department of Education is not bound to a specific number of grants or to the amount of any grant, unless specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by August 24, 1984, and may be obtained by writing the Division of Higher Education Incentive Programs (Graduate and Professional Opportunity Fellowships Program), Department of Education (Room 3717, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202. (OMB 1840–0508)

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of Graduate and Professional Opportunity Fellowships application not exceed 40 pages in length.

Applicable Regulations: Regulations applicable to these programs include the following:

(1) Regulations governing the Graduate and Professional Opportunity Fellowships Program (34 CFR Part 649).

(2) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact the Division of Higher Education Incentive Programs (Graduate and Professional Opportunity Fellowships Program), Office of Postsecondary Education, U.S. Department of Education (Room 3717, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–2347.

(20 U.S.C. 1134d–1134g)

(Catalog of Federal Domestic Assistance No. 84.094, Graduate and Professional Opportunity Fellowships Program)

Dated: June 29, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–17775 Filed 7–3–84; 8:45 am]

BILLING CODE 4000–01–M

Privacy Act of 1974; System of Records

AGENCY: Department of Education.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Secretary publishes this notice of a new system of records known as the Selective Service Registration Compliance File for the Office of Student Financial Assistance (OSFA). The new system will be used to verify a sample number of Statements of Registration Compliance filed by students applying for and receiving student financial assistance under Title IV of the Higher Education Act of 1965, as amended, in the 1983–84 and 1984–85 award years, to determine the actual rate of compliance. The Secretary seeks comments on the proposed routine uses contained in this notice.

DATES: The Department filed a report of the new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on June 29, 1984. The Department has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress. If this waiver is granted, the Department will publish a notice to that effect in the **Federal Register.** In no event will this system of records become effective before the minimum period for comment on the proposed routine uses expires on August 6, 1984.

ADDRESSES: Comments on the proposed routine uses should be addressed to the Privacy Act Officer, Department of Education, (Room 2089, FOB–6), 400 Maryland Avenue SW., Washington, DC 20202. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 2085 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Kerrigan, Chief, Pell Grant Policy Section, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW, (Room 4318, ROB–3), Washington, DC 20202. Telephone: (202) 472–4300.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (See 5 U.S.C. 552a(e)(4)) requires the Secretary to publish in the **Federal Register** this notice of a new system of records. The Department's regulations implementing the Privacy Act of 1974 are contained in the Code of Federal Regulations at 34 CFR Part 5b.

The 1983 Defense Department Authorization Act (Pub. L. 97–252, Title XI, Section 1113(a), 96 Stat. 748, September 8, 1982) amended the Military Selective Service Act to provide that any student who is required to register with the Selective Service and fails to do so is ineligible for student assistance under Title IV of the Higher Education Act of 1965, as amended. The regulations implementing this legislation were published by the Department in the **Federal Register** on April 11, 1983, 48 FR 15578, at 34 CFR 668.23–668.28. These regulations require all Title IV aid recipients to complete and submit to the

postsecondary institution they attend a Statement of Registration Compliance in which the student certifies either the reason why he or she is not required to register, or that he is registered. This requirement became effective on May 26, 1983 for the 1983–84 academic year and subsequent academic years.

Section 668.26 further requires that, for the 1985–86 academic year and subsequent academic years, students who have certified that they are registered must provide documentation from the Selective Service verifying their registration status. The preamble to the Student Assistance General Provisions regulations published in the Federal Register on April 11, 1983 at 48 FR 15578 states the Secretary's intention to evaluate student compliance with the registration requirements of the Military Selective Service Act. Further, the preamble states that if the Secretary and Director of the Selective Service System find that college students are in compliance with the registration requirement, the compliance process contained in § 668.26 will be reviewed for possible amendment or revocation.

The system of records described in this notice will enable the Secretary to collect and maintain a record of the names, Social Security numbers, and dates of birth for a random sample of approximately 1,300 students who have certified in the Statement of Registration Compliance that they are registered with the Selective Service System. This information will be transmitted under one of the routine uses in the notice to the Director of the Selective Service System in hard copy form, to verify, manually, that the students are in fact in compliance with the legal requirements for the receipt of student financial assistance under Title IV of the Higher Education Act of 1965, as amended.

Due to the nature of the procedures used for storing and retrieving records, and the safeguards put in place against unauthorized access, there is virtually no possibility that the privacy of any individual could be violated with respect to the information on Selective Service registration status maintained in this system of records. These procedures and precautions are described in the system notice under the headings RETRIEVABILITY and SAFEGUARDS.

Dated: June 28, 1984.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance number does not apply)

The Secretary publishes notice of a new system of records to read as follows:

18-40-0009

SYSTEM NAME:

Selective Service Registration Compliance File, ED/OPE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4318, ROB No. 3, 7th and D Streets SW, Washington DC 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of student financial assistance under Title IV of the Higher Education Act of 1965, as amended, who indicate that they are registered with the Selective Service System on the Statement of Registration Compliance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, and date of birth of students who have indicated in the Statement of Registration Compliance that they are registered with the Selective Service System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. App. 462

PURPOSE(S):

This system of records will be used to evaluate the degree of student compliance with the Selective Service Registration requirement. This compliance data is used to determine if the requirement that institutions document the Selective Service registration status of students who receive financial assistance under Title IV of the Higher Education Act of 1965, as amended, should be modified.

ROUTINE USES OF RECORDS MAINTANINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information will be furnished to the Director of the Selective Service System to verify compliance with 50 U.S.C. App. 462, as amended September 8, 1982. Disclosure of information in this system of records may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is—

(a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) Any Department employee in his or her individual capactiy where the Department of Justice has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Also, the Department may disclose a record for the purposes described in the Department's Privacy Act regulations (34 CFR Part 5b, Appendix B, items, 1, 3, 4, 5, 6, 8, and 9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy. The database used to generate this system of records will be maintained on a microcomputer.

RETRIEVABILITY:

Records are indexed by name and Social Security number.

SAFEGUARDS:

Hard copy files are maintained in locked cabinets. The microcomputer database will only be accessible through the use of a password and will be archived. Access is restricted to authorized staff in the performance of official duties.

RETENTION AND DISPOSAL:

Records will be retained for one year after conclusion of the study, and then destroyed.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Division of Policy and Program Development, Office of Postsecondary Education, Department of Education, Room 4100, ROB–3, 7th and D Streets SW, Washington, DC 20202.

NOTIFICATION PROCEDURE:

An individual may ask the system manager whether or not the system contains a record pertaining to him. The individual must provide his name or Social Security number to the system manager. The request must meet the requirements contained in 34 CFR 5b.5.

RECORD ACCESS PROCEDURE:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure.

CONTESTING RECORD PROCEDURE:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described in the notification procedure, identify the specific items to be changed, and provide a written justification for the change with a photocopy of the signed Statement of Registration Compliance. The request must meet the requirements contained in 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Student Aid Reports and other financial aid documents bearing the student's signed Certification of Registration Compliance.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-17778 Filed 7-3-84; 8:45 am]
BILLING CODE 4000-01-M

Publication of Sample Cases and Expected Parental Contributions for the National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of publication of sample cases and expected parental contributions for the approval of need analysis systems and notice of closing date for transmittal of information.

SUMMARY: The Secretary gives notice that the sample cases and expected parental contributions provided in the tables contained in this notice will be used in approving systems of need analysis for award year 1985–86 for the National Direct Student Loan (NDSL), College Work-Study (CWS) and Supplemental Educational Opportunity Grant (SEOG) programs. These programs are known collectively as the campus-based programs. The Secretary takes this action under the authority of section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983 (Pub. L. 98–79) and 34 CFR 674.13, 675.13, and 676.13 of the NDSL, CWS, and SEOG program regulations, respectively. Institutions of higher education must use these approved systems of need analysis in determining the financial need of dependent and independent students under the respective campus-based programs.

FOR FURTHER INFORMATION CONTACT: Margaret O. Henry or Paula M. Husselmann, telephone (202) 245–9720.

SUPPLEMENTARY INFORMATION:

Program Information

This notice provides the sample cases and the expected parental contributions that the Secretary will use to approve need analysis systems for award year 1985–86 under the campus-based programs (20 U.S.C. 1089—Note). In order to be approved, a system must meet the requirements provided in this notice.

If the majority of students served by a system are undergraduate students, an individual or organization must submit to the Secretary expected parental contributions for dependent undergraduate students which increase incrementally as the parents' financial strength (measured in constant dollars) increases, are equal for families of equal financial strength, and are within $50 of the expected parental contributions in 75 percent of the sample cases supplied by the Secretary in Table 1.

If the majority of students served by a system are graduate and professional students, an individual or organization must submit to the Secretary expected parental contributions for dependent graduate and professional students which increase incrementally as the parents' financial strength (measured in constant dollars) increases, are equal for families of equal financial strength, and are within $50 of the expected parental contributions in 75 percent of the sample cases supplies by the Secretary in Table 2. An individual or organization that wishes to have its system of need analysis approved for dependent students must also submit its system of need analysis for independent students.

If the Secretary approves an individual's or organization's system for dependent undergraduate students, the Secretary will also approve that individual's or organization's system for dependent graduate and professional students, and independent undergraduate, and graduate and professional students. If the Secretary approves an individual's or organization's system for dependent graduate and professional students, the Secretary will also approve that individual's or organization's system for dependent undergraduate students, and independent undergraduate, and graduate and professional students.

The expected parental contributions in this notice are based on the following assumptions: a 5-percent inflation rate for 1984; families of varying sizes with two parents and either one dependent undergraduate student (Table 1), or one dependent graduate or professional student (Table 2); the adjusted gross income of that student's older parent who is the family's sole wage earner and is 45; an asset protection allowance of $31,000; an 8-percent allowance for State and other taxes; and the use of 1984 U.S. income tax schedules for a joint return with standard deductions. The expected parental contributions in this notice do not take into account—

Business or farm assets;
Nontaxable income;
Unusual medical or dental expenses;
Other unusual expenses; and
Elementary and secondary tuition expenses.

The Secretary will use the sample cases and expected parental contributions contained in this notice to approve need analysis systems for dependent undergraduate, and graduate and professional students under the campus-based programs. The approved systems will be used for making awards to students under the campus-based programs for award year 1985–86.

Closing Date for Transmittal of Information

An individual or organization wishing to have a system of need analysis approved must submit to the Secretary on or before August 6, 1984: (1) A complete description of its system of need analysis for dependent and independent students; (2) its student application form(s) for undergraduate, and graduate and professional students; (3) either the expected parental contributions for undergraduate students produced by an individual's or organization's system using the sample cases provided in Table 1 which are based on dependent undergraduate students, or the expected parental contributions for graduate and professional students produced by an individual's or organization's system using the sample cases provided in Table 2 which are based on dependent graduate and professional students; and (4) a complete calculation of how each expected parental contribution was derived, including enough information to allow the Secretary to duplicate these calculations and results.

The Secretary will not accept this information in the form of computer programs, software, or mechanical devices. The Secretary will not accept this information after the closing date and will return information received after the closing date to the sender.

Documents Delivered by Mail

Descriptions of systems, application form(s), expected parental contributions, and calculations that are sent by mail must be postmarked on or before August 6, 1984, and addressed to Paula Husselmann, Department of Education,

Office of Student Financial Assistance, 400 Maryland Avenue SW. [ROB-3, Room 4018], Washington, DC, 20202.

An individual or organization must show proof of mailing these documents. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service (2) a legibly dated U.S. Postal Service postmark; (3) a dated shipping label, invoice, or receipt from a commercial carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If these documents are sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An individual or organization should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an individual or organization should check with its local post office. An individual or organization is encouraged to use certified or at least first-class mail.

Documents Delivered by Hand

Descriptions of systems, application form(s), expected parental contributions and calculations that are hand-delivered must be taken on or before August 6, 1984, to Paula Husselmann, Department of Education, Office of Student Financial Assistance, 7th and D Streets SW [ROB-3, Room 4018], Washington, DC, 20202. The Campus and State Grant Branch will accept these hand-delivered documents between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time) except Saturdays, Sundays and Federal holidays.

These documents will not be accepted after 4:30 p.m. August 6, 1984.

TABLE1.—UNDERGRADUATE

(Sample Cases and Expected Parental Contributions for the NDSL, CWS, and SEOG Programs—Award Year 1985-86)

	Net assets and family size															
	$30,000				$40,000				$50,000				$60,000			
	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Adjusted gross income:																
$12,000	0	0	0	0	$180	0	0	0	$440	0	0	0	$710	$230	0	0
$16,000	$550	80	0	0	$800	$330	0	0	1,070	$600	$150	0	1,330	860	$410	0
$20,000	1,160	690	$250	0	1,410	940	$500	0	1,690	1,210	760	$260	1,990	1,470	1,020	$530
$24,000	1,780	1,290	850	$350	2,070	1,530	1,090	$600	2,410	1,830	1,360	860	2,800	2,160	1,630	1,130
$28,000	2,480	1,890	1,420	930	2,840	2,200	1,680	1,180	3,280	2,550	1,980	1,440	3,760	2,960	2,320	1,730
$32,000	3,330	2,600	2,020	1,480	3,760	2,970	2,340	1,750	4,310	3,420	2,720	2,060	4,870	3,910	3,130	2,400

TABLE 2.—GRADUATE AND PROFESSIONAL

Sample Cases and Expected Parental Contributions for the NDSL, CWS, and SEOG Programs—Award Year 1985-86

	Net assets and family size															
	$30,000				$40,000				$50,000				$60,000			
	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Adjusted gross income:																
$12,000	0	0	0	0	$80	0	0	0	$200	0	0	0	$320	$110	0	0
$16,000	$250	$40	0	0	360	$150	0	0	480	$270	$70	0	600	390	$190	0
$20,000	530	320	$110	0	640	430	$230	0	760	550	350	$120	950	670	470	$240
$24,000	830	590	380	$160	1,000	700	500	$270	1,230	860	620	390	1,510	1,060	750	510
$28,000	1,270	900	640	420	1,540	1,090	780	530	1,870	1,320	950	650	2,280	1,620	1,170	800
$32,000	1,920	1,360	970	670	2,280	1,630	1,180	820	2,820	2,000	1,450	1,000	3,390	2,420	1,750	1,220

(20 U.S.C. 1089-Note)

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Dated: June 29, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84-17776 Filed 7-3-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-AU-123, to Queensland Mine, Ltd., Australia, 211.86 grams of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 28, 1984.

Harold Jaffe,

Acting Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-17735 Filed 7-3-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI78-781-011]

American Petrofina Company of Texas; Application for Limited-Term Partial Abandonment

June 28, 1984.

Take notice that on June 11, 1984, American Petrofina Company of Texas, (Applicant) P.O. Box 2159, Dallas, Texas 75221, filed an application pursuant to section 7(b) of the Natural Gas Act, 15 U.S.C. 717f(b) (1982), to amend its certificate of public convenience and necessity in Docket No. CI78-781 in order to allow a limited-term partial abandonment of the sale of gas to Northern Natural Gas Company, a division of InterNorth, Inc. ("Norther") from Block A-571, High Island Area, South Addition, Offshore Texas, all as more fully set forth in the application on

file with the Commission and open to public inspection.

Applicant states that it has amended its contract with Northern, pursuant to which these certificated sales are made, to release from such contract for a term of two years a quantity of gas equal to one-third of Applicant's daily deliverability of gas-well-gas under such contract, plus such additional quantities as Northern elects on any given day not to purchase from Applicant under such contract. Applicant proposes to sell these quantities to an affiliated petrochemical plant in interstate commerce not for resale. Applicant expects that the quantities involved will not exceed 12,500 MMBtu per day.

Any person desiring to be heard or to make any protect with reference to said application should on or before July 16, 1984 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17817 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-49-001]

Bonneville Power Administration; Application for Exemption

June 28, 1984.

Take notice that Bonneville Power Administration (BPA) filed an application on June 15, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290. Alternatively, BPA requests that its 1983 rate filing (FERC Docket Nos. EF-2011-000 and ER84-2012-000) is acceptable as a form of compliance with the filing requirements of Subparts B, C, D, and E. In addition, BPA requests a waiver of the requirement that an application for exemption shall be filed "no less than 18 months prior to the time the information would otherwise be required" (§ 290.601(a)).

In its application for exemption BPA states, in part, that it should not be required to file the specified data for the following reasons:

> The cost of service information filing required by section 133 of PURPA is not necessary to carry out the purpose of section 133. Since PURPA was originally enacted in 1978, BPA has adopted substantively all of the PURPA ratemaking standards and policies. BPA regularly publishes a Cost of Service Analysis in conjunction with its rate filings. The information is a matter of public record and is available to regulators and other interested parties. As a result, the contents of the reports required by PURPA section 133 are no longer necessary.
>
> Because the PURPA 133 data submission is neither necessary nor used, the expense of collecting and reporting such information cannot be considered cost effective. It is estimated that the cost of gathering and reporting PURPA Section 133 data in 1982 was excess of $100,000.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period, such person must also serve a copy of such comments on: Mr. John A. Cameron, Assistant General Counsel, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17818 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

Columbia Gas Transmission Corp.; Application

[Docket No. CP84-470-000]

June 29, 1984.

Take notice that on June 7, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, WV 25314, filed in Docket No. CP84-470-000, an application pursuant to sections 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes two main line construction projects: (1) The construction and operation of approximately 2.5 miles of 24-inch pipeline, in four sections, replacing a like amount of 20-inch pipeline located in Wayne County, West Virginia, and (2) the construction and operation of approximately 1.2 miles of 24-inch pipeline, in two sections replacing a like amount of 18-inch pipeline located in Greene County, Ohio. Columbia indicates that 24-inch pipe is being used in both projects 1 and 2 in order to utilize pipe which Columbia has on hand that was no longer required for a previous construction project.

It is explained that the construction projects proposed are primarily designed to maintain service to Columbia's existing wholesale customers at levels presently authorized by the Commission. Columbia states that the proposed construction projects have an estimated cost of $2,181,100, including the Commission's filing fees, which costs would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1984, 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 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 is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17834 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-56-000]

Consumers Power Co.; Application

June 29, 1984.

Take notice that on June 11, 1984, Consumers Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to enter into a construction Financing Agreement, with Oakway IV, Inc., for the purpose of financing on an interim basis, costs related to the acquisition and/or construction of certain items of property. Oakway will enter into a short-term note Revolving Credit Agreement in the amount of not more than $200,000,000 with certain banks in order to finance advances to Consumers Power Company.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before July 10, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17835 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-388-003]

Florida Gas Transmission Co.; Petition To Amend

June 29, 1984.

Take notice that on May 21, 1984, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP82-388-003 a petition to amend the order of November 23, 1982, in Docket No. CP82-388-000 issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act which authorized Petitioner to transport natural gas for Tennessee Gas Pipeline, a Division of Tenneco Inc. (Tennessee), so as to authorize an increase in volumes of gas transported for Tennessee, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is currently authorized to transport, pursuant to a transportation agreement dated April 5, 1982, up to 2 billion Btu equivalent of natural gas per day for Tennessee by displacement to an existing common point of interconnection of facilities between Petitioner and Tennessee in Starr County, Texas. It is stated that, pursuant to an amendatory agreement dated August 29, 1983, Tennessee and Petitioner have agreed to increase the transportation quantity to 5 billion Btu equivalent of natural gas per day, or such greater or lesser quantities as determined by Petitioner. Petitioner states that the proposed increase is requested because additional gas has been made available by Tennessee's producer-seller in the Jay Field Area, Santa Rosa County, Florida. Petitioner states that the amendatory agreement deletes, in its entirety, the minimum-charge provision included in the agreement. It is stated that a rate settlement was approved by a February 9, 1984, letter order in Docket No. RP83-104-000, which changes the rates chargeable for the Tennessee transportation service. It is further stated that the facility charge is 12.6 cents per million Btu of gas delivered, and a service charge is 0.1 cent per million Btu for each million Btu redelivered at the point of redelivery.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 20, 1984, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17836 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2113-000]

Douglas G. Hyde; Application

June 28, 1984.

Take notice that on June 18, 1984, Douglas G. Hyde filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Sr. V. Pres.—Green Mountain Power Corp.

Director—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 12, 1984. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17821 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-55-000]

Kansas Gas and Electric Co., Application

June 29, 1984.

Take notice that on June 8, 1984, Kansas Gas and Electric Company, filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to $50 million of Serial Preferred Stock, without par value.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before July 6, 1984, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17837 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-293-001]

Michigan Consolidated Gas Co.—Interstate Storage Division; Amendment to Application

June 29, 1984.

Take notice that on June 6, 1984, Michigan Consolidated Gas Company-Interstate Storage Division (Michigan Consolidated), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP84-293-001, pursuant to section 7(b) of the Natural Gas Act, an amendment to the application that it had filed on March 9, 1984, in Docket No. CP84-293-000, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that Michigan Consolidated's application, as filed on March 9, 1984, had sought permission and approval to abandon 1,174,016 Mcf of storage service that Michigan Consolidated had been providing to Panhandle Eastern Pipe Line Company (Panhandle) pursuant to a contract between Michigan Consolidated and Panhandle, which was dated November 1, 1976, and filed with the Commission as Rate Schedule X-20 of Michigan Consolidated's FERC Gas Tariff, Original Volume No. 1. Under the terms of the contract, storage of these particular volumes was due to terminate on April 1, 1984, it is explained.

According to Michigan Consolidated, however, Panhandle subsequently requested that 40,000 Mcf of storage service under Rate Schedule X-20 be retained and converted to long-term service, as had been permitted by an option clause in the Michigan Consolidated-Panhandle contract. In compliance with Panhandle's request, Michigan Consolidated explains, it is amending the application previously filed herein so as to request abandonment authority for only 1,134,016 Mcf of storage service under Rate Schedule X-20, rather than for 1,174,016 Mcf.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 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. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 84-17838 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-425-000 and CP84-425-001]

Michigan Consolidated Gas Co.—Interstate Storage Division Application

June 29, 1984.

Take notice that on May 18, 1984, Michigan Consolidated Gas Company—Interstate Storage Division (Applicant), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP84-425-000 an application, as supplemented June 6, 1984, pursuant to sections 7(b) and 7(c) of the Natural Gas Act, for permission and approval to abandon a portion of the natural gas storage service that it has been providing under two of its rate schedules to Panhandle Eastern Pipe Line Company (Panhandle) for the benefit of certain Panhandle customers and for a certificate of public convenience and necessity authorizing a 50-day storage service for Panhandle on behalf of certain of Panhandle's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP77-274, it is stated, Applicant was authorized to store a total of 18,650,000 Mcf of natural gas for Panhandle, including 12,250,000 Mcf under a 100-day storage service arrangement and 6,400,000 Mcf under an off-peak storage service arrangement, which arrangements were filed under Rate Schedules X-19 and X-20, respectively, of Applicant's FERC Gas Trariff, Original Volume No. 1.

It is explained that Panhandle has informed Applicant that its customers no longer require the full storage services that were established under the existing arrangements. Consequently, Applicant first filed in Docket No. CP84-293 for authority to reduce its extant storage service under Rate Schedule X-19 by 949,284 Mcf and to reduce its extant storage service under Rate Schedule X-20 by 1,134,016 Mcf, it is explained.

It is further stated that Applicant and Panhandle subsequently agreed to reduce further the contract volumes that were subject to Rate Schedule X-19, by 350,000 Mcf effective as of February 1, 1984, and by 768,516 Mcf effective as of April 1, 1984, and to reduce further the contract volumes that were subject to Rate Schedule X-20, by 4,725,984 Mcf effective as of April 1, 1984. Hence, Applicant filed the instant application for authorization to reduce its 100-day service and off-peak service by these amounts. Following these volumetric reductions and those reductions previously proposed in Docket No. CP84-293-000, states Applicant, it would store for Panhandle only 10,162,200 Mcf under Rate Schedule X-19 and only 540,000 Mcf under rate Schedule X-20.

Panhandle also reportedly advised Applicant that it wished to reallocate 3,409,800 Mcf of the volumes that were being reduced under Rate Schedules X-19 and X-20 into a new 50-day storage service. Applicant states that this proposed service would enable Panhandle's customers to obtain increased maximum daily redeliveries of gas (at a rate of 68,196 Mcf per day) during their peak use periods each winter. Panhandle and Applicant concluded an agreement to this effect on March 1, 1984, states Applicant; accordingly, it seeks authorization for this 50-day storage service in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 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 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 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.

Kennth F. Plumb,

Secretary.

[FR Doc. 84-17839 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-87-000]

Mississippi River Transmission Corp. Versus United Gas Pipe Line Co.; Notice of Complaint

June 29, 1984

Take notice that on June 6, 1984, Mississippi River Transmission Corporation (MRT) tendered for filing a Complaint against United Gas Pipe Line Company (United). This Complaint petitions the Commission to enter into an investigation pursuant to sections 14, 15 and 16 of the Natural Gas Act for the purpose of determining the lawfulness of the rates, charges, practices and contract terms currently in effect between MRT and United and to take appropriate action pursuant to sections 4, 5, and 7 of the Natural Gas Act to establish just and reasonable rates, charges, practices and contract terms to be observed by United.

MRT seeks relief from certain provisions of its contract dated September 11, 1970 with United. Specifically, MRT seeks to have its maximum daily contract demand reduced from 576,801 Mcf per day to 480,000 Mcf per day, which equals its maximum single day purchase from United during the last 27 months. MRT also seeks an order requiring United to reduce MRT's Minimum Billing Demand to the same level.

MRT argues that the present contractual maximum daily quantity (MDQ) and the resulting impact upon MRT's Minimum Billing Demand result in rates which are unjust and unreasonable, subjecting MRT to undue prejudice and disadvantage. The present level of MRT's MDQ, being greatly in excess of MRT's requirements and takes from United, subjects MRT to demand charges based on volumes which it has not demanded and which are in excess of its market requirements, adversely affecting MRT's efforts to implement a least cost gas purchase policy.

MRT states that reducing its MDQ to 480,000 Mcf per day, will tend to bring its supply from United into a more appropriate relationship with its current gas requirements. This would reduce, based on United's present rates, the Demand Charges paid by MRT to United by over $5,000,000, thereby relieving MRT from paying for gas supply which it cannot use.

MRT further states that this reduction in its MDQ and the associated demand charges paid to United will serve to immediately reduce MRT's cost of purchased gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 30, 1984. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17840 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-466-000]

Natural Gas Pipeline Company of America; Application

June 29, 1984

Take notice that on June 6, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84-466-000 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon approximately 134 miles of its Amarillo No. 1 Line in Iowa and Illinois and ten horizontal engine-compressors at a compressor station in Iowa and for a certificate of public convenience and necessity authorizing the construction and operation of 81 miles of 36-inch replacement pipeline as part of its Amarillo Line in Iowa and Illinois and three vertical engine compressors at a compressor station in Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in 1982 it commenced a long range, phased program to replace its existing Amarillo No. 1 Line, which has been in service since 1931, and to abandon certain inefficient compressor units that are operating between Beatrice, Nebraska, and Joliet, Illinois. It is submitted that the method of construction at that time did not include several of the accepted construction techniques now used in the pipeline industry. Applicant claims the cost of maintaining the old No. 1 line has increased over the years due to the gradual deterioration of some of the line's components. Also, Applicant states that the outdated compressor units include aircraft derivative turbines and horizontal engine-driven reciprocating compressors that consume greater volumes of fuel than modern compressor units.

Further, Applicant states its replacement program contemplates using a combination of larger diameter replacement pipeline and the abandonment or replacement of compression, coupled with the abandonment of certain segments of the old No. 1 Line. The overall capacity of the Amarillo line at the completion of the program would be the same as when the program started, it is stated.

As Phase IV of the upgrade program, Applicant proposes herein, primarily during the 1985 construction season to abandon approximately 134 miles of its existing 24-inch Amarillo No. 1 Line including 5.46 miles of a two-parallel line, 18-inch pipeline and 0.81 mile of a six-parallel line 12-inch pipeline in

Keokuk, Washington, and Louisa Counties, Iowa, and Rock Island, Henry, Bureau LaSalle, Grundy, Kendall and Will Counties, Illinois, and ten horizontal engine-compressors totalling 17,500 horsepower at compressor station 109 located in Keokuk County, Iowa. Where practical, such pipeline and all above ground compressor facilities would be removed, it is asserted. Applicant proposes to construct and operate approximately 81 miles of 36-inch replacement pipeline located in Keokuk, Washington, and Louisa Counties, Iowa, and Rock Island, Henry, LaSalle, Grundy, Kendall and Will Counties, Illinois, all as part of its Amarillo line, and three vertical engine-compressors each rated at 4,600 hp at compressor station 109. Applicant states that the flow through the Amarillo line would remain substantially unchanged. Applicant submits that the bulk of the replacement pipeline would be in the same right-of-way and ditch as the old 24-inch line that would be abandoned and removed. Also, Applicant proposes to construct replacement connections for the various existing sales points connected to sections of the No. 1 Line that are being abandoned. It is asserted, Applicant would maintain two-line service to all such points.

Applicant states that the major portion of the proposed work would be done during the 1985 construction season. However, to maintain the necessary 1985 construction schedule, Applicant requests authorization by mid-August 1984 so that installation of concrete foundations for the new compressors and the construction of the building to house the compressors at compressor station 109 be completed before the end of the 1984 construction season.

Applicant states that the estimated cost of retirement and installation of replacement facilities (including $3,733.00 in non-jurisdictional facilities) is $75,640,000, which cost would initially be financed with funds on hand, borrowings under Applicant's revolving credit arrangements, or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to interevene 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 Rule.

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 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17841 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE84-7-000]

Niagara Mohawk Power Corp.; Application of Exemption

June 28, 1984.

Take notice that Niagara Mohawk Power Corporation (NMPC) filed an application on March 30, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

Due to an administrative oversight, this notice of application was not published in the **Federal Register** within the prescribed 15 days following the filing date of the subject application.

In its application for exemption NMPC states, in part, that it should not be required to file the specified data for the following reasons:

- The specified data is not used in regulatory proceedings affecting retail sales due to the availability of more timely and pertinent information.
- Section 133 of PURPA duplicates reporting requirements of FERC and the New York State Public Service Commission.
- The expense of gathering data required under section 133 of PURPA is considerable. Any costs associated with gathering cata that are not used and useful impose an undue burden upon the utility and its ratepayers.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written news, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period, such person must also serve a copy of such comments on: Mr. John M. Endries, Senior Vice President, Niagara Mohawk Power Corp., 300 Erie Blvd. W., Syracuse, New York 13202.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17823 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-426-000]

Panhandle Eastern Pipe Line Co.; Application

June 29, 1984.

Take notice that on May 21, 1984, Panhandle Eastern Pipe Line Company (Applicant), Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP84-426-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transportation services that it has been performing for Columbia Gas of Ohio, Inc. (Columbia, Ohio), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Columbia, Ohio and Applicant originally concluded a transportation agreement on March 28, 1978, which was approved by the Commission on September 6, 1978, in Docket No. CP78-367, and which was filed with the Commission as Rate Schedule T-25 of Applicant's FERC Gas Tariff, Original Volume No. 2.

It is indicated that Columbia, Ohio had previously entered into an agreement with Michigan Consolidated Gas Company (Michigan Consolidated), which provided that Columbia, Ohio would ship up to 2,750,000 Mcf of natural gas to Michigan Consolidated in the summer for storage and would receive like volumes back from Michigan Consolidated in the winter. It is further indicated that in order to ship this gas to and from the storage facilities of Michigan Consolidated, Columbia, Ohio had then concluded transportation agreements with Columbia Gas Transmission Corporation (Columbia), with Applicant, and with ANR Pipeline Company (formerly called Michigan Wisconsin Pipe Line Company).

It is stated that the basic storage agreement between Michigan Consolidated and Columbia, Ohio and the associated transportation agreements were scheduled to expire on April 1, 1984, unless Columbia, Ohio elected to renew them for another term. After considering current and long-term supply projections, Columbia, Ohio reportedly informed Michigan Consolidated, Applicant, and the other transporters that it no longer needed the authorized storage and transportation services. Consequently, it is explained, Michigan Consolidated filed in Docket No. CP84-292-000 for authorization to terminate its storage service for Columbia, Ohio, requesting an effective termination date of April 1, 1984. In conformity therewith, Columbia has filed in Docket No. CP84-355-000, it is stated, and Applicant is filing in the instant docket, for permission and approval to abandon their respective transportation services on behalf of Columbia, Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 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 protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practices 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 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17842 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-779-000]

Pennsylvania Power Co.; Compliance Filing

June 29, 1984.

Take notice that on June 25, 1984, Pennsylvania Power Company ("Penn Power") in compliance with the Commission's Opinion No. 211 of March 22, 1984 and clarifying Opinion No. 211-A of May 23, 1984, submitted a Compliance Filing. This filing reflects the FERC cost of service in Appendix A of Opinion No. 211 together with a revenue analysis and appropriate rate schedule.

Copies of the filing were served upon Penn Power's jurisdictional customers and upon other parties on the service list.

Any person desiring to be heard or to protect this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 16, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17843 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-492-000]

Portland General Electric Co.; Filing

June 28, 1984.

The filing Company submits the following:

Take notice that on June 13, 1984, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's Power Cost Adjustment (PCA) rate change effective with meter readings on and after January 30, 1984. The filing includes a revised Schedule 5 of Appendix 1, Exhibit C, to the Residential Purchase and Sales Agreement and the authorization for the PCA change from Public Utility Commissioner of Oregon.

PGE states that the filing shows PGE's PCA adjustment to the current BPA base ASC of 38.41 mills/kWh is (2.47) mills/kWh.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17831 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-496-000]

Portland General Electric Co.; Filing

June 28, 1984.

The filing Company submits the following:

Take notice that on June 15, 1984, Portland General Electric Company (PGE) tendered for filing a Summary of Sales made under the Company's first revised Electric Service Tariff, Volume

No. 1, during March and April of 1984, along with a cost justification for the rates charged. This filing also includes new Service Agreements with Montana Power Company, the Northern California Power Agency and State of California Department of Water Resources.

PGE requests an effective date of March 29, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon parties having service agreements with PGE, parties to the Intercompany Pool Agreement (revised), intervenors in Docket No. ER77-131 and the Oregon Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17832 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2112-000]

Bruce A. Richard; Application

June 28, 1984.

Take notice that on June 18, 1984, Bruce A. Richard filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President—Northern States Power Company (Minnesota)
Director—Northern States Power Company (Minnesota)
Director—Northern States Power Company (Wisconsin)

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 12, 1984. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17819 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP4-471-000]

Sabine Pipe Line Co.; Application

June 29, 1984.

Take notice that on June 7, 1984, Sabine Pipe Line Company (Applicant), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CP84-471-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations under the Natural Gas Act for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests a one-time blanket certificate which would authorize the transportation of natural gas by Applicant for the system supply of other interstate pipelines subject to the terms and conditions as applicable under Subpart B of Part 284 of the Commission's Regulations and the pre-granted abandonment authorization for such transportation arrangements upon the completion of the contractural terms. Applicant avers that it seeks such authorization as a means of eliminating the regulatory burden attendant upon separate case-by-case filings which would otherwise be necessary to effectuate transportation by one interstate pipeline for another. Applicant further avers it is not at the present time aware of any specific transportation arrangements to which it is a party which may or would necessitate the use of the requested blanket authorization, although it anticipates entering into such agreements in the future, as circumstances and pipeline capacity permit. Applicant states that it would comply with § 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20 1984, 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 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 is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17844 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-493-000]

San Diego Gas & Electric Co.; Filing

June 28, 1984.

The filing Company submits the following:

Take notice that on June 13, 1984, San Diego Gas & Electric Company (SDG&E) tendered for filing a notice of change of rates of transmission service of an agreement entitled "San Diego-Edison Firm Transmission Service Agreement" which has been executed by SDG&E and Southern California Edison Company (Edison), filed under Rate Schedule FERC No. 60.

SDG&E requests an effective date of September 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Edison.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17826 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-494-000]

San Diego Gas & Electric Co.; Filing

June 28, 1984.

The filing Company submits the following:

Take notice that on June 13, 1984, San Diego Gas & Electric Company (SDG&E) tendered for filing a notice of change of rates for transmission service as embodied in SDG&E's following agreements with Southern California Edison Company (Edison).

	Rate schedule FERC no.
1. Short-Term firm transmission service agreement	58
2. Interruptible transmission service agreement	59

SDG&E requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17827 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-495-000]

Tampa Electric Co.; Filing

June 28, 1984.

The filing Company submits the following:

Take notice that on June 15, 1984, Tampa Electric Company (Tampa) tendered for filing Service Schedule X providing for extended economy interchange service between Tampa and the City of Lakeland, Florida (Lakeland). Tampa states that Service Schedule X is submitted for inclusion as a supplemental under the existing interchange agreement between Tampa Electric and Lakeland, designated Rate Schedule FERC No. 21.

Tampa proposes an effective date of June 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Lakeland and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to interene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17830 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-478-000]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Application

June 29, 1984.

Take notice that on June 11, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-478-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to transport natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to transport gas for Transco pursuant to the terms of a November 23, 1983, gas transportation agreement covering gas purchased from West Cameron Block 215, offshore Louisiana. Tennessee indicates that it currently transports such gas for Transco pursuant to § 284.221 of the Commission's regulations and Tennessee's Order No. 60 blanket certificate. Specifically, Tennessee proposes to receive gas from Transco on a best-efforts basis at a point on Tennessee's West Cameron 192 platform and to transport and deliver thermally-equivalent volumes of gas for the account of Transco, less system-use requirements, lost gas and unaccounted-for gas, and less volumes, if any, for Plant Volume Reduction (PVR) to the following delivery points:

(1) The primary delivery point would be located on Tennessee's 20-inch Kinder-Nachitoches pipeline near Kinder in Allen Parish, Louisiana (Kinder);

(2) An alternative delivery point would be located at an existing point of interconnection between the pipeline facilities of Tennessee and Transco near Crowley in Acadia Parish, Louisiana (Crowley);

(3) An alternative delivery point would be located at an existing point of interconnection between the pipeline facilities of Tennessee and Transco near Louise in Wharton Parish, Louisiana (Louise).

Tennessee would deliver PVR volumes at the Continental Grand Chenier Processing plant in Cameron Parish, Louisiana, it is stated. It is further averred that the daily transportation quantity would be 10,000 Mcf until January 1, 1984, as provided by the agreement and that thereafter the quantity would be such quantity as Transco nominates 180 days prior to January 1, 1986, provided that such quantity would be at least 10,000 Mcf, and further provided that any increase be conditioned upon Tennessee's having the capacity available to transport such increase. In accordance with the agreement, Transco states it would pay Tennessee:

(1) A volume charge equal to the product of 7.28 cents for gas delivered at Kinder, 8.47 cents for gas delivered at Crowley, 23.05 cents for gas delivered at Louise and 4.99 cents for PVR delivered at Grand Chenier multiplied by the total volume in Mcf of gas delivered by Tennessee for the account of Transco during the month;

(2) A minimum monthly bill to consist of the volume charge of 7.28 cents multiplied by the minimum bill volume which would consist of the number of days in said month multiplied by 66⅔ percent of the transportation quantity, less volumes retained for Tennessee's system fuel and uses; provided that the minimum bill volume be reduced by volumes, if any, tendered by Transco and not taken by Tennessee.

Additionally, it is stated that Transco would pay Tennessee $1.083 [1] per barrel for any liquids transported pursuant to the agreement.

Transco would provide to Tennessee, at no cost to Tennessee, for Tennessee's system-use and unaccounted-for gas, a daily volume equal to 1.2 percent of the volumes and of the PVR volumes, if any, received from Transco and delivered to the Kinder and/or Crowly delivery points and to the Grand Chenier plant, respectively, and 1.72 percent of the volumes received from Transco and delivered to the Louise delivery point, it is stated.

Tennessee avers that the proposed transportation service would not pre-empt the pipeline capacity needed for any existing firm service being rendered by Tennessee, nor would it affect Tennessee's use of its own capacity because the proposed service would be rendered only when Tennessee's operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1984, 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 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 is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17845 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[1] It is indicated that such liquids rate has been adjusted effective April 1, 1984, by use of the GNP Implicit Price Deflator and would be further adjusted in such a manner on an annual basis, to be effective on April 1 of each year.

[Docket No. CP84-447-000]

Trunkline Gas Co.; Application

June 29, 1984

Take notice that on May 29, 1984, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-447-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Trunkline LNG Company (TLC), pursuant to a service agreement between Applicant and TLC dated May 1, 1984, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that TLC has suspended operations for an indefinite period of time and requires gas for maintenance of TLC's liquefied natural gas (LNG) storage and regasification facility located near Lake Charles in Calcasieu Parish, Louisiana, and that TLC requires such gas in order for it to maintain its equipment in operable condition. Applicant states that the gas would be used as follows: (1) To run electrical generation several hours each month in order to operate electrical motors throughout the plant to prevent deterioration of equipment, (2) to heat the offices and plant building and (3) to provide a gas blanket in the LNG tanks once the current volumes of LNG storage are depleted.

Applicant proposes to sell to TLC up to 1,000 dt equivalent of gas per day up to an annual maximum of 22,000 dekatherms. Of the daily maximum of 1,000 dt, deliveries of 250 Mcf per day are proposed to be made on a firm basis, it is submitted. The point of delivery for the proposed sales would be an existing pipeline connection at the tailgate of the LNG plant.

Applicant explains that the rate for the proposed sale shall be the applicable straight line rate for pipeline sales in Trunkline's Zone 1 at 100 percent load factor, which would be an amount equal to the sum of the rates and charges set forth in the then effective Section 3 of Rate Schedule R-1 and Sheet No. 3-A of Applicant's FERC Gas Tariff, or as such may from time to time be amended or superseded. Applicant states that the term of the agreement would be for 1 year and thereafter for successive 90-day periods.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 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 the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this 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 is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17846 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-476-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

June 28, 1984.

Take notice that on June 11, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-476-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to construct and operate an interconnecting tap facility under the authorization issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that United would construct and operate the tap in order to deliver up to 62 Mcf of gas per day for the account of Entex, Inc. (Entex), an existing customer of United, to an Industrial end-user, Pelahatchie Industrial Park. It is asserted that the deliveries by United would be within Entex's current daily entitlement and that the sale would be made pursuant to United Rate schedule DG-J.

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 § 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17833 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST84-630-001]

United Gas Pipe Line Co. Versus Delhi Gas Pipeline Corp. and Mississippi River Transmission Corp.; Complaint and Request for Immediate Relief

June 29, 1984.

Take notice that on June 22, 1984, United Gas Pipe Line Company (United), 600 Travis, P.O. Box 1478, Houston, TX 77001, filed a Complaint and request for Immediate Relief pursuant to Rules 206, 207, 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, 385.207, 385.211 and 385.214. United seeks a determination as to whether an on-going sale by Delhi Gas Pipeline Corporation (Delhi) to Mississippi River Transmission (MRT) complies with section 311(b) of the Natural Gas Policy Act of 1978 (NGPA). Specifically, united alleges that Delhi is acquiring gas solely or primarily for the purpose of resale under section 311(b), thereby violating section 311(b)(7)(B). Further, United claims that the sale is contrary to the public interest in that Delhi's sale is displacing "core market" sales by United to MRT. In addition, United alleges that MRT may have constructed facilities in violation of section 7 of the Natural Gas Act, 15 U.S.C. 717f. Finally, United seeks an interim order suspending the Delhi sale pending the completion of an investigation of United's complaint.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 10, 1984. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17847 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST84-898-001]

United Gas Pipe Line Co. Versus Louisiana Gas Intrastate, Inc. and Mississippi River Transmission Corp.; Complaint

June 29, 1984.

Take notice that on May 3, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, TX 77001, filed a Complaint pursuant to Rules 206 and 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 and 385.207. United seeks a Commission determination as to whether a proposed sale by Louisiana Gas Intrastate, Inc. (LGIS) to Mississippi River Transmission Corporation (MRT) complies with section 311(b) of the Natural Gas Policy Act of 1978 (NGPA). Specifically, United alleges that LGIS is acquiring the gas solely or primarily for the purpose of resale under section 311(b), thereby violating section 311(b)(7)(B).

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 30, 1982. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17848 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-16583-001 et al.]

Phillips Petroleum Company (Successor in Interest to Phillips Oil Company), et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

June 28, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 5.214). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
G-16583-001, F, June 13, 1984	Phillips Petroleum Company (Successor in Interest to Phillips Oil Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Northern Natural Gas Company, McKinney Field, Clark County, Kansas.	[1]	
CI61-54-001, CI66-35-001, F, June 18, 1984.	....do	Transcontinental Gas Pipe Line Corporation, West Cameron Block 45 Field, Offshore Cameron Parish, Louisiana.	[2]	
CI64-670-001, D, June 18, 1984	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Arkansas Louisiana Gas Company, Wilburton Field, Pittsburg County, Oklahoma.	[3]	
CI76-792-002, D, June 14, 1984	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Transwestern Pipeline Company, White City Penn Field, Eddy County, New Mexico.	[4]	
CI84-401-000 (G-15364), B, June 15, 1984.	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	West Lake Natural Gas Company and ARCO Oil and Gas Company, Nena Lucia Field, Nolan County, Texas.	[5]	
CI84-448-000, A, June 13, 1984	Odeco Oil & Gas Company, Murphy Oil USA, Inc., and Ocean Oil & Gas Company, Post Office Box 61780, New Orleans, Louisiana 70161.	Texas Eastern Transmission Corporation, West Cameron Block 560, Gulf of Mexico, Offshore Louisiana.	[6]	
CI84-449-000, A, June 14, 1984	Exxon Corporation, P.O. Box 2180, Houston, Texas 77252-2180.	Arkansas Louisiana Gas Company, L.A. Butler Unit, ADA Field, Webster Parish, Louisiana.	[7]	
CI84-450-000, E, June 14, 1984	Diamond Shamrock Exploration Company (Successor in Interest to Natomas Offshore Exploration Inc.), P.O. Box 631, Amarillo, Texas 79173.	United Gas Pipe Line Company, Block A-471, High Island Area, South Addition, Offshore (Federal) Texas.	[8]	
CI84-451-000, E, June 14, 1984	....do	Texas Eastern Transmission Corporation, Blocks A-289 and A-290, High Island, Area, East Addition, South Extension, Offshore (Federal) Texas.	[9]	
CI84-452-000, A, June 15, 1984	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Block 238, OCS-G-3169, Offshore Louisiana.	[10]	
CI84-453-000, A, June 15, 1984	....do	Transcontinental Gas Pipe Line Corporation, Block A-133 Field, Brazos Area (South Addition), Offshore Texas.	[10]	
CI84-454-000, E	Pennzoil Oil & Gas Inc. (Successor in Interest to Amax Petroleum Corporation), P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, Block A-356, High Island Area, Offshore Texas.	[11]	
CI84-455-000, A, June 18, 1984	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, Eugene Island Blocks 352, 353, 360 & 361, Offshore, Louisiana.	[12]	
CI84-456-000, B	Energy Unlimited, Inc., J.E., Olds and Zalem Olds	Consolidated Gas Supply Corporation, Union District, Wood County, West Virginia.	[13]	
CI84-457-000 (CI67-402), B, June 18, 1984.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Mountain Fuel Resources, Winter Valley Field, Moffat County, Colorado.	[14]	
G-18127-000, F, June 19, 1984	Phillips Petroleum Company (Successor in Interest to Phillips Oil Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Arkansas Louisiana Gas Company, Simsboro Field, Lincoln County, Louisiana.	[15]	
CI76-668-001, CI71-682-000, F, June 19, 1984.	Sid Richardson Carbon and Gasoline Co. (Successor in Interest to Perry R. Bass), First City Bank Tower, 201 Main Street, Fort Worth, Texas 76102.	Northern Natural Gas Company and El Paso Natural Gas Company, Rojo Caballos Field, Pecos County, Texas.	[16]	
CI84-458-000, A, June 22, 1984	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Natural Gas Pipeline Company of America West Cameron Block 81, Offshore Louisiana.	[17]	
G-10148-001, June 20, 1984	Getty Oil Company, Post Office Box 1404, Houston, Texas 77251.	Tennessee Gas Pipeline Company, West Delta Area, Offshore, Louisiana.	[18]	
CI62-218-000, E, June 20, 1984	Phillips Petroleum Company (Successor in Interest to Phillips Oil Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Arkansas Louisiana Gas Company, West Marlow Field, Stephens County, Oklahoma.	[19]	14.73
CI63-886-003, E, June 20, 1984	....do	Columbia Gas Transmission Corp., West Duson Field, Acadia & Lafayette Parishes, Louisiana.	[20]	14.73

[1] Effective December 1, 1983, Phillips Oil Company assigned to Applicant its 25% interest in the Theis Gas Unit #2, located in the McKinney Field, Clark County, Kansas.
[2] Effective December 31, 1983, Phillips Oil Company assigned to Applicant its interest in the West Cameron Block 45 Field, Offshore Cameron Parish, Louisiana.
[3] By Partial Assignment of Oil, Gas and Mineral Lease dated April 7, 1983, Marathon assigned its interest to a depth from the surface down to 11,279 feet in certain acreage to Williford Energy Company.
[4] Release of the Joe S. Galatman lease on May 1, 1963.
[5] The January 1, 1982 rollover contract previously filed with the Commission is actually a precentage-of-proceeds type contract, and therefore not subject to NGA filing requirements.
[6] Applicant is filing under Gas Purchase Contract dated May 31, 1984.
[7] Applicant is filing under Gas Purchase Contract dated January 25, 1960.
[8] By Assignment made effective June 1, 1984, Natomas Offshore Exploration Inc., assigned all of its right, title and interest in and to U.S.A. Oil and Gas Lease Serial No. OCS-G-2690 to Applicant.
[9] By Assignment made effective June 1, 1984, Natomas Offshore Exploration Inc., assigned all of its right, title and interest in and to U.S.A. Oil and Gas Lease Serial No. OCS-G-2728 and OCS-G-2729 to Applicant.
[10] Applicant is filing under Gas Purchase Contract dated June 5, 1984.
[11] Effective as of April 1, 1984, Pennzoil acquired certain assets and property rights of Amax.
[12] Applicant is filing under Gas Purchase Contract dated May 3, 1984.
[13] Non-production.
[14] Conoco has surrendered or assigned leasehold interests subject to Rate Schedule No. 322.
[15] Effective December 1, 1983, Phillips Oil Company assigned to Applicant its working interest in the Fowler Unit #3 located in the Simsboro Field, Lincoln Parish, Louisiana.
[16] Effective January 1, 1979, Perry R. Bass, assigned to SRCG all of his right, title and interest in and certain oil and gas materal leases.
[17] Applicant is filing under Gas Purchase Contract dated June 6, 1984.
[18] Applicant is filing to establish an additional delivery point.
[19] Effective December 1, 1983, Phillips Oil Company assigned to Applicant its working interest in the Bessie Dale #1 lease in the West Marlow Field, Stephen County, Oklahoma, limited to the Wade Sand only found between the depths of 7490' to 7575'.
[20] Effective December 1, 1983, Phillips Oil Company assigned to Phillips Oil Company, its interest in the West Duson Field, Acadia and Lafayette Parishes, Louisiana.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-17625 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-39-000]

State of Kansas, Section 108 NGPA Determination, Northern Pump Company, Danner No. A1 Well, FERC JD No. 80-04684; Petition To Reopen and Vacate Final Well Category Determination and Request To Remand

Issued June 28, 1984.

On June 11, 1984, the State Corporation Commission of the State of Kansas (Kansas) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to remand a final well category determination made upon an application by Northern Pump Company (Northern Pump) that natural gas from the Danner No. A1 well, located in Finney County, Kansas, qualifies as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA).[1] This determination was made final by Kansas on October 19, 1978.[2] Later, on August 8, 1980, Northern Pump requested an amended determination from Kansas that the subject well was more properly classified as a seasonally affected well. This application for amended classification was granted and made final by Kansas on August 15, 1980.[3]

Kansas submits that it has received information from Larson Family Farms, a purchaser of Northern Pump that certain procedural improprieties and irregularities may have occurred and that information relevant to the proper consideration of the Northern Pump application was withheld. Kansas states that if the information were accurate and in fact submitted during the application review process, the final determinations of stripper well natural gas and seasonally affected may not have been granted.

Within 30 days of publication in the **Federal Register** any person may file a protest to the Kansas petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. *See* Rules 214 or 211.[4]

Kenneth F. Plumb,

Secretary.

[FR. Doc. 84-17628 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301-3432 (1982).

[2] NGPA section 503(d) and 18 CFR 275.202(a).

[3] *Id.*

[4] 18 CFR 385.214 or 385.211.

[Docket No. GP84-38-000]

State of Oklahoma, Section 108 NGPA Well Determination, Getty Oil Company, J. E. Wise No. 2 Well, FERC JD No. 84-05177; Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw

Issued June 28, 1984.

On June 4, 1984, Getty Oil Company (Getty) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination that natural gas from the J. E. Wise No. 2 Well, located in Texas County, Oklahoma, qualifies as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978.[1] This determination by the Oklahoma Corporation Commission became final on October 6, 1983.[2]

Getty states that a error was made in the determination of the subject well and that, in fact, the production in exceeded the stripper well natural gas limits by producing in excess of 60 Mcf per day during the 90-day qualifying period ending January 31, 1983. Getty submits that the well was never eligible for qualification as a stripper well, and that it has complied with the refund requirements under § 273.302 and has refunded all monies due to the purchaser.

The Commission gives notice that the question of whether refunds plus interest, as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Within 30 days of publication in the **Federal Register**, any person may file a protest to Getty's petition, or a petition to intervene, with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. *See* Rules 214 or 211.[3]

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17629 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301-3432 (1982).

[2] NGPA section 503(d) and 18 CFR 275.202(a).

[3] 18 CFR 285.214 or 385.211 (1983).

[Docket No. QF84-366-000]

Consolidated-National Gas and Electric Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 28, 1984.

On June 18, 1984, Consolidated-National Gas and Electric Corp. (Applicant) of 1900 South State Street, Salt Lake City, Utah 84115, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Natrona County, Wyoming. The facility will consist of a combustion turbine generator, exhaust heat recovery unit, and heat exchanger. the useful thermal energy output will be used at the oil field for storage tank heating and enchanced oil recovery. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 19,600 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying-status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17630 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-364-000]

O'Brien Energy Systems, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 28, 1984.

On June 11, 1984, O'Brien Energy Systems, Inc. (Applicant) of Green and Wahington Streets, Downingtown, Pennsylvania 19355, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the manufacturing site of Difcal Associates, 1138 Rincon Street, Corona, California. The facility consist of three 8945 kilowatt combustion turbine generators, three waste heat recovery boilers, and a condensing steam turbine generator. Each waste heat recovery boiler will contain two steam drums (dual pressure) producing 400 PSIG and 250 PSIG steam. The 400 PSIG steam will drive the 7500 kilowatt condensing steam turbine generator. The 250 PSIG steam will be used to produce 750 tons per hour of refrigeration and to meet process steam requirements for cheese production. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 34.5 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17824 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF84-367-000, et al.]

Energy Systems Division of Thermo Electron Corp.; Applications for Commission Certification of Qualifying Status of Cogeneration Facilities

June 28, 1984.

On June 19, 1984, Energy Systems Division of Thermo Electron Corp. (Applicant), P.O. Box 459, Waltham, Massachusetts 02254, submitted for filing four applications for certification of facilities as qualifying cogeneration facilities pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittals constitute complete filings.

The four applications represent different approaches for certification of a natural gas turbo expander based cogeneration system to be located at the Pacific Gas and Electric Co. Power Plant at Moss Landing, California. The primary energy sources of each will be natural gas and the energy made available by depressurization of high pressure transmission gas to low pressure distribution gas.

In Case 1 (QF84-367-000), waste heat from an 800 kilowatt gross capacity gas turbine generator will heat water which is then pumped to a natural gas heat exchanger, to reheat gas leaving a 2,300 kilowatt gross capacity turbo expander.

In Case 2 (QF84-368-000), waste heat from an 800 kilowatt gross capacity gas turbine generator will heat water which is then pumped to a natural gas heat exchanger, to reheat gas leaving a 1,775 kilowatt gross capacity turbo expander.

In Case 3 (QF84-369-000), waste heat from a 900 kilowatt gross capacity gas turbine generator will heat water which is then pumped to a natural gas heat exchanger, to preheat gas leaving a 2,500 kilowatt gross capacity turbo expander.

In Case 4 (QF84-370-000), waste heat from a 950 kilowatt gross capacity gas turbine generator will heat water which is then pumped to a natural gas heat exchanger, to preheat gas entering a 2,500 kilowatt gross capacity turbo expander. Additionally, waste heat from the gas turbine will be used to produce steam in a recovery boiler for sale to a nearby refractories plant.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17822 Filed 7-3-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2621-7]

Meeting; Nonconformance Penalty Negotiated Rulemaking Advisory Committee

As required by the Federal Advisory Committee Act (Pub. L. 94-463), we are giving notice of the next meeting of the Nonconformance Penalty Negotiated Rulemaking Advisory Committee.

It will be held from 8:30 a.m. until 3:30 p.m. on Friday, July 27th, in the conference room of the U.S. Environmental Protection Agency's office at 2565 Plymouth Road, Ann Arbor, Michigan. The purpose is to finalize the internal protocols under which the committee will operate, and began to deal with the issues involved in establishing nonconformance penalties.

If interested in attending or receiving more information, please contact Chris Kirtz at (202) 382-7565.

Dated: June 28, 1984.

Milton Russell,

Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 84-17744 Filed 7-3-84; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL-2607-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Certification Test Results for 1984 Model Year

Correction

In FR Doc. 84-15820 beginning on page 24443 in the issue of Wednesday, June 13, 1984, make the following correction.

On page 24443, third column, line 13 in the summary, "not" should read "now".

BILLING CODE 1005-01-M

FEDERAL MARITIME COMMISSION

Notice of Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on June 25, 1984, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and was deemed approved that date, to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreement No. 201–000082–005.

Title: West Gulf Maritime Association Assessment Agreement.

Parties: West Gulf Maritime Association, South Atlantic and Gulf District, International Longshoremen's Association.

Synopsis: The amendment provides for an extension of the current level of assessments for an additional period of time to and including December 31, 1984 in view of the decline in trade and cargoes moving to the ports in the West Gulf.

By order of the Federal Maritime Commission.

Dated: June 29, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–17739 Filed 7–3–84; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement nos. 224–004117–003, 224–004118–001, 224–004119–001.

Title: Virginia Port Authority Marine Terminal Agreements.

Parties: Virginia Port Authority (VPA), Virginia International Terminals, Inc. (VIT).

Synopsis: The amendments modifies the basic leases between the parties by restructuring the payment of rents made by VPA to VIT for use and operation of facilities at Norfolk, Portsmouth and Newport News, Virginia. The parties remain governed by outstanding bond resolutions. The bond issue specifies that all Federal approvals have been received.

By order of the Federal Maritime Commission.

Dated: June 29, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–17740 Filed 7–3–84; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(c) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Zoilo L. Castro, 2295 W. Broadway Avenue, K–219, Anaheim, Ca 92804

Antoino Rosa Montanez, Comerico #303 (2nd Floor), San Juan, PR 00902

Robert Sordo dba Aldemar Shipping Company, 8647 Aviation Blvd., Inglewood, CA 90301

B.V.T. America, Inc., 2420 E. Oakton, Arlington Heights, IL 60005

Officers: Leo Westermeijer, President, Thomas J. Braham, Secretary, Mary Ann Dmitrasz Walsdorf, Vice President-Operations, Carolyn Paul, Vice President-Sales

Cobalt, Inc., #9 South Heights Drive LaMarque, TX 77568

Officers: Arthur Villarreal, President/Director, David Jack Collier, Vice President/Director, Joe Mendez, Secretary/Treasurer, Doyle R. Varner, Director

Joseph Frank Fraile dba JFF International Forwarding, 1635 NeilArmstrong Street, P.O. Box 891, Montebello, CA 90640

LeRoy A. Kennerich dba Krennerich Shipping Company, 1010 Spanish Moss Lane, Houston, TX 77077

Atlantic Forwarding, Inc., 145 Hook Creek Blvd., Valley Stream, NY 11581,

Officer: Thomas J. Flaherty, President.

By the Federal Maritime Commission.

Dated June 29, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–17741 Filed 7–3–84; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 224–010605.

Title: Portland Marine Terminal Agreement.

Parties:

Port of Portland (Port).

Hyundai Merchant Marine Company, Ltd. (Hyundai).

Synopsis: The agreement provides that Hyundai will be granted the preferential use of eight acres of container yard area at the Port's Terminal No. 6, Portland. Hyundai will perform the terminal services required in the movement of container and cargo on or over the premises. The term of the agreement is for one year with the option to extend the agreement for two additional one-year periods. Hyundai and the Port will share dockage and wharfage revenues on a basis as provided for in the agreement.

Agreement No. 224–010606.

Title: Portland Marine Terminal Agreement.

Parties:

Port of Portalnd (Port).

Hong Kong Islands Line America S.A. (HKILA).

Synopsis: The agreement provides that HKILA will be granted by the Port of preferential use of four acres at the Port's Terminal No. 6, Portland. HKILA will perform the terminal services required in the movement of containers and cargo on or over the premises. The term of the agreement is for three years with the option to extend its term for an

additional two-year period. HKILA and the Port will share wharfage and dockage revenue on a basis provided for in the agreement.

Agreement No. 224–010607.
Title: Anacortes Terminal Agreement
Parties:
Port of Anacortes (Port).
Bellingham Stevedoring Company (BSC).

Synopsis: The agreement provides that the Port will assign to BSC, on a nonexclusive basis, 2.85 acres at Anacortes, Washington to be used as a public freight terminal. The agreement shall run for three years from the date of Commission approval, and shall be automatically renewed for five one-year periods. BSC will pay the Port for its use of the Port's properties. Wharfage and dockage fees will accrue to the Port.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–17759 Filed 7–3–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

ANB Bankshares, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) 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 office 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 application must be received not later than July 26, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *ANB Bankshares, Inc.*, Brunswick, Georgia; to become a bank holding company by acquiring 100 percent respectively of the voting shares of American National Bank of Brunswick, Brunswick, Georgia; State Bank of Kingsland, Kingsland, Georgia; and American Trading Company, Brunswick, Georgia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Nothern States Financial Corporation*, Waukegan, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Waukegan, Waukegan, Illinois.

2. *R & J Financial Corporation*, Plainfield, Iowa; to become a bank holding company by acquiring 80 percent or more of the voting shares of Peoples Savings Bank, Elma, Iowa.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Community Bancshares, Inc.*, Chillicothe, Missouri; to acquire 100 percent of the voting shares or assets of Centerre Bank of Sedalia, Sedalia, Missouri (through the proposed merger with Farmers & Merchants Bank, Green Ridge, Missouri).

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *International Corporation*, St. Paul, Minnnesota; to merge with 100 percent of Northern National Bancshares, Inc. Bemidji, Minnesota, and thereby 100 percent of the Northern National Bank of Bemidji, Bemidji, Minnesota.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[Fr Doc. 84–17725 Filed 7–3–84; 8:45 am]

BILLING CODE 6210–01–M

Citizens and Southern Georgia Corp., et al; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 24, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta, Georgia; to engage through First Sotheastern Company, Atlanta, Georgia, in discount securities brokerage and incidental activities such as offering custodial services, individual retirement accounts, and cash management services; and underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks of the Federal Reserve System may be authorized to underwrite and deal in under 12 U.S.C. 24 and 335, including bankers acceptances and certificates of deposit.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to engage through Norwest Agencies, Inc., Minneapolis, Minnesota, in insurance agency activities including the sale of life, casualty, property and

other general lines of insurance. Applicant asserts it may perform these activities pursuant to sections 4(c)(8)(D) and 4(c)(8)(G) of the Bank Holding Company Act of 1956, as amended, and § 225.25(b)(8) of Regulation Y. These activities would be conducted in Atlantic, Iowa, and in Virginia, Minnesota.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *CVB Financial Corp.*, Chino, California; to engage through Appraisal Concepts, Inc., Upland, California in performing appraisals of real estate and servicing construction loans made by banks or other lenders. These activities would be conducted in the State of California.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17726 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

First Maryland Bancorp and Allied Irish Banks Limited; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794), to engage *de novo* through a national bank subsidiary in the activities specified below. Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

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 outweight 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 accompained 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 Federal Reserve Bank or the offices of the Board of Governors not later than July 26, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland, and *Allied Irish Banks Limited*, Dublin, Ireland; to engage through a national bank subsidiary, First Omni Bank (District of Columbia), N.A., Washington, D.C., in the acceptance of time and savings deposits (including NOW accounts); safe-deposit business; making and servicing loans; trust company functions; leasing personal or real property; data processing, insurance sales; management consulting to depository institutions; issuance of money orders, savings bonds, and travelers checks; real estate appraising; securities brokerage; and underwriting and dealing in government obligations and money market institutions.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17723 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

First Maryland Bancorp and Allied Irish Banks Limited; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794), to engage *de novo* through a national bank subsidiary in the activities specified below. Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

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 Governers. 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 Federal Reserve Bank or the offices of the Board of Governors not later than July 26, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostain, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland, and Allied Irish Banks Limited, Dublin, Ireland; to engage through a national bank subsidiary, First Omni (Virginia), N.A., Fairfax County, Virginia, in the acceptance of time and savings deposits (including NOW accounts); safe-deposit business; making and servicing loans; trust company functions; leasing personal or real property; data processing; insurance sales; management consulting to depository institutions; issuance of money orders, savings bonds, and travelers checks; real estate appraising; securities brokerage; and underwriting and dealing in government obligations and money market instruments.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17724 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

Northern States Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794) 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 statment of the reasons a written presentation would not suffice in lieu of a hearing, indentifying 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 July 26, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern States Financial Corporation*, Waukegan, Illinois; to acquire Antioch Trust Company, Antioch, Illinois, and thereby engage in the fiduciary, agency and custodial functions and activities performed by a trust company.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17727 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

Bankvermont 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 (49 FR 794) 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 (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 US.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) 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 July 25, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bankvermont Corporation*, Burlington, Vermont; to become a bank holding company by acquiring 99.75 percent of the voting shares of Bank of Vermont, Burlington, Vermont, a stock savings bank; and to retain Future Planning Associates, Inc., Burlington, Vermont, thereby continuing to engage in trust company functions; and to acquire Madison Group, Inc., Rutland, Vermont, thereby to engage in trust company functions.

Board of Governors of the Federal Reserve System, June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17722 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

Peoples Holding Co., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) 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 (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atl., Ga. 30303:

1. *Peoples Holding Company*, Winder, Georgia; to engage *de novo* directly in making and servicing loans; providing securities brokerage services, related

securities credit activities pursuant to the Board's Regulation T (12 CFR Part 220), and incidential activities such as offering custodial services, individual retirement accounts, and cash management services. Securities brokerage services will be limited to buying and selling securities solely as agent for the account of customers and will not include security underwriting or dealing or investment advice.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, CA 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to engage *de novo* through its subsidiary First Interstate Corporation, Los Angeles, California, in the activity of a registered futures commission merchant for nonaffiliated persons in the execution and clearance of options of futures contracts for U.S. government securities, negotiable U.S. money market instruments, and foreign exchange.

Board of Governors of the Federal Reserve System, June 29, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17742 Filed 7-3-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0415]

Arkansas Department of Correction; Revocation of U.S. License No. 477

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has revoked the establishment license (U.S. License No. 477) and the product license issued to the Arkansas Department of Correction for the manufacture of Source Plasma (Human). The licenses were revoked at the establishment's request. The establishment's request was in response to a notice of opportunity for hearing issued by FDA, based on a finding that the establishment was in significant noncompliance with the biologics regulations.

DATE: The revocation of the establishment and product licenses was effective on May 17, 1984.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN-368), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 22, 1984 (49 FR 6573), FDA issued a notice of opportunity for hearing on its intent to revoke the establishment license (U.S. License No. 477) and the product license issued to the Arkansas Department of Correction for the manufacture of Source Plasma (Human). The Arkansas Department of Correction is headquartered at Pine Bluff, AR, with the plasmapheresis establishment located at Grady, AR. The plasmapheresis establishment is managed and operated under contract by Health Management Association, Inc. (HMA), 120 South Walnut St., Pine Bluff, AR. The responsible head and other managerial staff of the establishment are employees of HMA. FDA based the proposed revocation on: (1) The continued maintenance and use of inaccurate and incomplete records relating to the collection, processing, and storage of Source Plasma (Human); (2) instances of intentional and willful disregard for prescribed standards; and (3) the apparent inadequate training and ineffective supervision of the plasma center staff. The observations above leading to the revocation were made during an FDA inspection of February 11, 12, 14, and 28, and March 1, 1983, and during subsequent investigations by FDA and the management of the plasmapheresis establishment at Arkansas Department of Correction. The basis for the proposed revocation is described further in the notice of February 22, 1984.

In a letter dated September 16, 1983, issued under 21 CFR 601.5(b), FDA provided the Arkansas Department of Correction and its responsible head notice of the agency's intent to revoke U.S. License No. 477 and to issue a notice of opportunity for a hearing. In a telephone conversation of October 25, 1983, the establishment, through its attorney, declined to waive the opportunity for a hearing. Accordingly, on February 22, 1984, FDA issued a notice of opportunity for hearing on the matter under 21 CFR 12.21(b).

The notice of February 22, 1984, provided that the firm should request a hearing by March 23, 1984, and submit any data justifying a hearing by April, 23, 1984. Other interested persons were given until April 23, 1984, to file written comments. In a letter of April 6, 1984, Arkansas Department of Correction requested that its establishment license and product license be revoked and submitted its licenses to FDA for revocation. FDA has placed a copy of the letter of April 6, 1984, on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. FDA has not received any other comments from interested persons on the matter. FDA decided to grant the establishment's request for license revocation.

Accordingly, under 21 CFR 12.38 and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Office of Biologics Research and Review (21 CFR 5.68), the establishment license (U.S. License No. 477) and the product license issued to Arkansas Department of Correction for the manufacture of Source Plasma (Human) were revoked, effective May 17, 1984. This notice is issued and published under 21 CFR 601.8

Dated: June 27, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-17701 Filed 7-3-84; 8:45 am]

BILLING CODE 4160-01-M

Drug Abuse Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Drug Abuse Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on May 31, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated June 27, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 84-17703 Filed 7-3-84; 8:45 am]

BILLING CODE 4160-01-M

Peripheral and Central Nervous System Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Peripheral and Central Nervous System Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on June 4, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: June 27, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–17705 Filed 7–3–84; 8:45 am]

BILLING CODE 4160–01–M

Psychopharmacologic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Psychopharmacologic Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on June 4, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: June 27, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–17704 Filed 7–3–84; 8:45 am]

BILLING CODE 4130–01–M

Pulmonary-Allergy Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Pulmonary-Allergy Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on May 30, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: June 27, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–17702 Filed 7–3–84; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Centers For Disease Control; Cooperative Agreement; Injury Prevention Demonstration Program in an Economically Depressed Minority Community, Availability of Funds for Fiscal Year 1984

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1984 for a cooperative agreement for an Injury Prevention Demonstration Program an economically depressed minority community. The cooperative agreement will be awarded and administered by CDC (Center for Environmental Health) under the authority of section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)), as amended. It is not expected that Office and Management and Budget clearance will be required for this project.

The purpose of this cooperative agreement program is to provide collaborative and technical support and to implement and conduct an injury prevention demonstration program. This program is designed to reduce the premature mortality and unnecessary morbidity of unintentional injuries and their associated medical costs in an urban, predominantly black, economically depressed community where at least 50 percent of the families have incomes at or below the Federally established poverty level.

The essence of the injury prevention effort will be the application of epidemiologic principles that result in the recognition and application of countermeasures/strategies designed to prevent or reduce the consequences of unintentional injuries.

The broad range of prevention activities should fall within the categories of Technological, Education and Information, Code Development and Enforcement, and Economic Incentives.

The objectives of this program are as follows:

1. To determine unintentional injury morbidity, mortality, and related cost trends for the target population.

2. To describe the epidemiologic characteristics of the target population who are injured or die from falls, burns, drownings, suffocation, or motor vehicle or other unintentional, nonwork-related injuries.

3. To evaluate the relationship of host, agent, and environmental factors that contribute to injury.

4. To implement the Center of Environmental Health-developed injury prevention demonstration program model designed to reduce morbidity, mortality, associated costs, and the environmental determinants of nonwork-related unintentional injuries in the target population.

5. To evaluate the effectiveness of specific intervention measures in reducing selected injury-related events.

The collaborative and programmatic involvement of recipient of funds and CDC is as follows:

Cooperative Activities

A. Recipient Public Health Agency Activities

1. Develop a detailed work plan that meets the requirements as set forth in the publication *Injury Control Implementation Plan for State and Local Governments*, October 1982. When completed, the work plan will automatically be made a part of the cooperative agreement. This should be accomplished within 3 months after the award date of the cooperative agreement. It will address all of the study objectives and provide for the development and implementation of an efficient information management system with computer linkages and surveillance activities.

2. Collect, collate, analyze, and disseminate information to appropriate agencies, organizations, and individuals that describe the unintentional injury morbidity and mortality problem among indigent black populations.

3. Implement injury prevention strategies aimed at reducing the mobidity and mortality of selected unintentional injuries.

4. Coordinate program activities with activities of various other governmental and nongovernmental agencies and organizations where cooperation is essential to produce an effective, comprehensive program.

5. Develop training and information materials.

6. Establish and maintain liaison with the State health agency and other community-based public and private agencies and programs with interest in injury prevention, within the health department, Federal agencies, public health associations, and institutions of higher learning, including medical schools, schools of public health, and colleges and universities.

7. Maintain liaison with and establish a procedure to advise local citizen and community groups of program findings and their implications.

8. Promote continuation of the injury prevention program to ensure that it is institutionalized and maintained as part of an organized approach to injury prevention.

9. Evaluate the effect of interventions in terms of reduced morbidity, mortality, and associated costs.

B. Centers for Disease Control Activities

The following activities relate to the collaborative and programmatic role of the Centers for Disease Control:

1. Assist in planning, conducting, and evaluating training programs targeted at improving the technical, managerial, and epidemiologic knowledge and proficiency of the program staff.

2. Collaborate and provide technical, management, and epidemiologic assistance in the development, review, and implementation of the work plan.

3. Collaborate in the design, development, and implementation of the injury surveillance system.

4. Analyze injury and other related information.

5. Implement injury prevention strategies and determine their effectiveness.

6. Establish and maintain liaison with other Federal agencies, States, communities, and national organizations that have injury prevention responsibilities to ensure that the program is fully aware of all new developments.

7. Collaborate in the preparation, presentation, and publication of program findings.

Quarterly, annual, and financial status reports shall be prepared and submitted in accordance with the requirements of 45 CFR Part 74, Subparts I and J, respectively.

In Fiscal Year 1984, approximately $150,000 is available to fund one cooperative agreement.

Review of the applications will be conducted in accordance with PHS Grants Administration Manual Chapter PHS: 1-507, Objective Review of Grant Application. An ad hoc committee of CDC personnel will review the merits of the applications which should:

1. Briefly describe the applicant's understanding of the requirements, problems, objectives, complexities, and interactions required of this cooperative agreement.

2. Describe how the applicant will develop and implement this project, including a time schedule.

3. Document the ability to provide the staff, knowledge, and resources to perform their part of this project and describe the approach to be used in carrying out their responsibilities.

4. Describe how the project will be administered.

5. Describe how baseline injury information will be collected.

6. Describe how assessment of morbidity and mortality information will be utilized in terms of the problem-oriented planning process (i.e., work plan development).

7. Describe how specific intervention strategies aimed at reducing morbidity and mortality in the targeted population will be formulated, implemented, and evaluated.

8. Describe how surveillance, planning, epidemiologic evaluation, and coordinating activities will be conducted.

9. Provide a proposed schedule for accomplishing the activities of this cooperative agreement, including time frames.

10. Identify and provide the qualifications and time allocations of the existing staff and staff to be assigned to this project, and the facilities, capabilities, office space, necessary equipment, and support staff resources available for the performance of this project.

11. Describe plans to publish results and designate responsibilities for scientific publications and authors, summary documents, news releases, etc.

Each application will be reviewed and judged according to the following criteria:

1. Are the program objectives specific, measurable, and realistic?

2. Do proposed activities follow a logical pattern to achieve the stated program objectives?

3. Are the program objectives based upon well-defined problems derived from baseline data and other available information?

4. Does the application provide a clear understanding of whom the program will serve and who is responsible for various activities?

5. Are there adequate plans for involving State agencies, voluntary organizations, professional societies, medical schools, etc., and do they include plans to effectively utilize their resources?

6. To what extent does an application enhance or complement the Center for Environmental Health Injury Prevention Initiative?

7. Does the injury prevention proposal provide for linkage with the State agency?

8. Will the achievement of the program objectives result in new knowledge, techniques, and services that can be utilized by State and community programs?

Eligible applicants for this program are the official public health agencies of any State or political subdivision (i.e., local or county health department), including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa, which have code development and enforcement authority. The cooperative agreement requires the State or local health agency to utilize the Center for Environmental Health developed injury prevention program model, and apply it in an urban, predominantly black, economically depressed community where at least 50 percent of the families have incomes at or below the Federally established proverty level.

The original and two copies of the application must be submitted on or before 4:30 p.m. (e.d.t.) on August 1, 1984, to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 107A, Atlanta, Georgia 30305.

Deadlines. Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications. Applications which do not meet the criteria in either paragraph 1. or 2. above are considered late applications and will not be considered in the current competition and will be returned to the applicant.

Applications are not subject to the review requirements of the National

Health Planning and Resource Development Act of 1974, as amended, or to intergovernmental review pursuant to Executive Order 12372.

Information on application procedures, copies of application forms, and other material may be obtained from Luther DeWeese, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 107A, Atlanta, Georgia 30305, telephone (404) 262–6575 or FTS 236–6575.

Technical assistance may be obtained from Harvey F. Davis, Jr., Chief, Field Program Section, Special Studies Branch, Chronic Diseases Division, Center for Environmental Health, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 452–4248 or FTS 236–4248.

Dated: June 25, 1984.

James O. Mason, M.D.,

Dr. P.H., Director, Centers for Disease Control.

[FR Doc. 84-17729 Filed 7-3-84; 8:45 am]

BILLING CODE 4160-18-M

Social Security Administration

Review of Commercial Activities; FY 84 and FY 85

The Acting Commissioner of Social Security gives notice that the Social Security Administration (SSA) will review in FY 84 and FY 85 some of its activities to determine if these activities should be performed by commercial sources under contract or "in house" by government personnel using government facilities. Publication of this informational notice is required by the provisions of Office of Management and Budget (OMB) Circular A–76 (Revised). This notice is not an invitation for bids or a request for proposals.

Authority: The Budget and Accounting Act of 1921 (31 U.S.C. 1 et. seq.) and the Office of Federal Procurement Policy Act Amendments of 1979 (41 U.S.C. 401 et seq.); OMB Circular No. A–76 (Revised).

FOR ADDITIONAL INFORMATION CONTACT: Ms. Jane M. Rosenthal, Social Security Administration, Office of Management, Budget, and Personnel, 4–S–17 Operations Building, 6401 Security Blvd., Baltimore, MD 21235, Telephone (301) 597–3732.

Commercial Activities on SSA's Inventory List Scheduled for Review in FY 84 and FY 85

SSA is required to inventory all functions that are not purely governmental and which can be designated as commercial activities. These inventoried commercial activities are scheduled for review and for cost-comparison studies to determine if the activity should remain "in house" or contracted out. The commercial activities scheduled for FY 84 and FY 85 review and the locations where these activities are being performed are as follows:

Commercial activity	Location
1. Microfilm Duplication	Baltimore, MD.
2. Transportation Services	Baltimore, MD.
3. Electrical/Office Machine Repairs	Baltimore, MD.
4. Machine Mail Processing	Baltimore, MD.
5. Warehouse Operations	Baltimore, MD and Middle River, MD.
6. Audio-Visual Services	Baltimore, MD.
7. SSI Folder Staging Operations	Wilkes-Barre, PA.

Dated: June 22, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

[FR Doc. 84-17784 Filed 7-3-84; 8:45 am]

BILLING CODE 4190-11-M

Privacy Act of 1974; Report of New Routine Use and Minor Revisions

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: New routine use and minor revisions.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to establish a new routine use of information in the system of records entitled Master Files of Social Security Number (SSN) Holders, HHS/SSA/OSR, 09–60–0058. The proposed routine use will permit disclosure of information to organizations/agencies which are required by law to provide SSA with SSN information. We also have made minor revisions to the **Federal Register** notice applicable to the system. We invite public comments on this publication.

DATES: The proposed routine use will become effective as proposed, without further notice, on August 6, 1984, unless we receive comments on or before that date which would result in a contrary determination. The minor revisions are effective upon publication.

ADDRESS: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. Comments received will be available for public inspection at 3–F–1 Operations Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Paul M. Swanenburg, Chief, Records Utilization and Services Branch, Office of System Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–3489.

SUPPLEMENTARY INFORMATION: The Master Files of SSN Holders system contains information taken from applications individuals complete when applying for SSN's. The information, which includes name, address, date and place of birth, sex, parents' names and citizenship data, primarily is used to assign SSN's and maintain a record of individuals' earnings reported under the Social Security system. We are proposing to establish a new routine use of information in the system as discussed below.

I. Proposed Disclosure to Organization/Agencies Which Are Required by Law to Furnish SSA SSN Information

Section 202 of the Social Security Act, as amended by section 339 of Pub. L. 98–21 (the Social Security Amendments of 1983), provides for the nonpayment of title II Social Security benefits to convicted felons while confined to a jail, prison, or other penal institution or correctional facility unless the prisoner is entitled to benefits based on a disability and is participating in a court approved rehabilitation program which the Secretary, HHS has determined is expected to result in the prisoner being able to engage in substantial gainful activity upon release within a reasonable time. The purpose of the amendment is to reduce Social Security expenditures for incarcerated felons for whom room and board and other needs already are provided for at public expense.

Section 202 of the Act further was amended by Pub. L. 98–21 to require Federal, State and local agencies, notwithstanding the provisions of the Privacy Act or any other provision of Federal or State law, to furnish the Secretary, HHS (SSA), upon written request, the name and SSN of any convicted felon confined under their jurisdiction. The purpose of this provision is to assist SSA in identifying relevant prisoners.

In implementing this provision, we periodically will request prisoner name and SSN from the prison systems. In those situations in which the name and SSN furnished do not match information in our records, or a SSN is not furnished, but we subsequently are able to locate a correct SSN through our validation processes, it would be helpful to furnish the correct information to the prison systems. This would enable the prison systems to maintain and furnish correct

information, thereby eliminating the need for SSA to search for the correct SSN on subsequent reports about the same prisoners. More importantly, it would help ensure the integrity of the SSN by identifying and correcting situations in which SSN's may be used incorrectly or fraudulently. To permit the exchange of information with the prison systems, we are proposing to establish the routine use below. We have written the routine use in a general sense to cover future situations of this type which may arise.

Validated SSN information may be disclosed to organizations/agencies (such as prison systems) which are required by law to furnish SSA SSN information.

II. Compatibility of Proposed Routine Use Disclosure

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulation (20 CFR Part 401) permit us to disclose information as a routine use when the information will be used for a purpose which is compatible with the purpose for which we collected it. Section 401.310 of the regulation permits us to disclose information, as necessary, to administer our programs and for use in other programs which are similar to our programs. Disclosure contemplated under the proposed routine use is consistent with this criteria.

III. Effect of the Proposed Routine Use on the Rights of Individuals

Disclosure under the proposed routine use is contemplated only as discussed above. Consequently, we do not anticipate that the routine use would result in any unwarranted effect on the rights of individuals.

IV. Minor Revisions

The system name section of SSA's notices of systems of records contain the acronyms of the SSA components which have primary responsibility for the individual systems. We have revised the system name section of the Master Files of SSN Holders to reflect the acronym (OSR—Office of System Requirements) of the SSA component which now has responsibility for the system. We also have revised the system manager section of the notice to reflect that the Director, Office of Pre-Claims Requirements is now the manager of the system and the contesting record procedures section to reflect additional procedures individuals should follow when contesting a record in the system.

The notice below contains the changes discussed above.

Dated: June 20, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

09-60-0058

SYSTEM NAME:

Master Files of Social Security Number Holders HHS/SSA/*OSR*.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Office of Cental Operations, Office of Central Records Operations, Metro West Building, 300 N. Greene Street, Baltimore, Maryland 21203.

Social Security Administration, Office of Systems Requirements, 6401 Security Boulevard, Baltimore, Maryland 21235.

Records also may be maintained at contractor sites (contact the system manager at the address below to obtain contract addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each individual who has applied for and/or obtained a Social Security number.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains all of the information received on original applications for Social Security numbers (e.g., name, date and place of birth, both parents names, and race/ethnic data) and any changes in the information on the applications that are submitted by the Social Security number holder. Cross-reference may be noted where multiple numbers have been issued to the same individual; and indication that a benefit claim has been made under this Social Security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections and 205(a) and 205(c)(2) of the Social Security Act.

PURPOSE(S):

Information in this system is used by the Social Security Administration (SSA) primarily to assign Social Security numbers. The information also is used for a number of administrative purposes such as:

- By SSA components for various title II, XVI and XVIII claims purposes including usage of the social security number itself as a case control number and a secondary beneficiary cross-reference control number for enforcement purposes and use of the Social Security Number record data for verification of claimant identity factors and for other claims purposes related to establishing benefit entitlement;
- By SSA as a basic control for retained earnings information;

By SSA as a basic control and data source to prevent issuance of multiple Social Security Numbers;

- As the means to identify incorrectly reported names or Social Security Numbers on earnings reports;
- For resolution of earnings discrepancy cases;
- For statistical studies;
- By the Department of Health and Human Services (HHS) Audit Agency for auditing benefit payments under Social Security programs;
- By the HHS Office of Child Support Enforcement for locating deserting parents;
- By the National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974;
- By the SSA Office of Refugee Resettlement for administering Cuban refugee assistance payments; and
- By the HHS Health Care Finance Administration for administering title XVIII claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below:

1. Employers are notified of the Social Security number of an employee in order to complete their records for reporting FICA to the Social Security Administration pursuant to the Federal Insurance Contributions Act and Section 218 of the Social Security Act.

2. To State welfare agencies, upon written request, of the Social Security numbers of AFDC applicants or recipients.

3. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

4. To the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens in the United States pursuant to requests received under section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)).

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records when the Social Security Administration contracts with a private firm. (The contractor shall be required to

maintain Privacy Act safeguards with respect to such records.)

6. To the Railroad Retirement Board for:

(a) Administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment; and

(b) Administering the Railroad Unemployment Insurance Act.

7. To the Department of Energy for their study of the long-term effects of low-level radiation exposure.

8. To the Department of the Treasury for:

(a) Tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code; and

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks.

9. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

10. To the Department of State for administering the Social Security Act in foreign countries through facilities and services of that agency.

11. To the American Institute on Taiwan for administering the Social Security Act on Taiwan through facilities and services of that agency.

12. To the Veterans Administration, Philippines Regional Office, for administering the Social Security Act in the Philippines through facilities and services of that agency.

13. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through facilities and services of that agency.

14. To the Department of Labor for:

(a) Administering provisions of title IV of the Federal Coal Mine Health and Safety Act; and

(b) Conducting studies of the effectiveness of training programs to combat poverty.

15. To the Veterans Administration (VA) for the following purposes:

(a) For the purpose of validating Social Security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the VA to the Social Security Administration for Social Security program purposes; and

(b) Upon request for the purposes of determining eligibility for or the amount of VA benefits or validating SSN's.

16. To Federal agencies which use the Social Security number as a numerical identifier in their recordkeeping systems, for the purpose of validating Social Security numbers.

17. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

18. To State Audit agencies for auditing State supplementation payments and medicaid eligibility considerations.

19. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

20. To Federal, State or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or noncash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

21. To third party contacts in situations where the party to be contacted has, or is expected to have, information which will verify documents when the Social Security Administration is unable to determine if such documents are authentic.

22. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

23. To the Selective Service System for the purpose of enforcing draft registration pursuant to the provisions of the Military Selective Service Act (50 U.S.C. App. 462, as amended by section 916 of Pub. L. 97–68).

24. Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

25. Validated Social Security number (SSN) information may be disclosed to organizations/agencies (such as prison systems) which are required by law to furnish the Social Security Administration with SSN information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained in paper form (e.g., paper lists and punch cards); magnetic media (e.g., magnetic tape and disk with on-line access); and in microfilm and microfiche form.

RETRIEVABILITY:

Records in this system are indexed both by Social Security number and name.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the magnetic tapes and disks within a secured enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. For computerized records electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need for the records in the performance of their official duties.

Expansion and improvement of SSA's telcommunications systems has resulted in terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users.

RETENTION AND DISPOSAL:

All paper forms are retained until they are filmed or are entered on tape, and the accuracy verified. They then are destroyed by shredding. All tape, disks,

microfilm, microfiche files are updated periodically. Out-of-date magnetic tapes and disks are erased. The out-of-date microfiche is disposed of by the application of heat.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Pre-Claims Requirements, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by providing his or her name and Social Security number, or if the Social Security number is not known, date of birth, place of birth, mother's maiden name, and father's name, and evidence of identity to the address shown under system manager above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting, state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from Social Security number applicants (or individual acting on their behalf). The Social Security number itself is assigned to the individual as a result of internal processes of this system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-17756 Filed 7-3-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-84-766]

Office of the Regional Administrator; Regional Housing Commissioner, Fort Worth Regional Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Regional Administrator—Regional Housing Commissioner is designating officials who may serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability, or vacancy in the position of the Regional Administrator—Regional Housing Commissioner.

EFFECTIVE DATE: This designation is effective September 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth Texas 76113, Telephone (817) 870-5451 (this is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability, or vacancy in the position of the Regional Administrator—Regional Housing Commissioner, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator—Regional Housing Commissioner: Provided that no official is authorized to serve as Acting Regional Administrator unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Director of Administration.
4. Director, Office of Housing.
5. Director, Office of Fair Housing and Equal Opportunity.
6. Director, Office of Community Planning and Development.

This designation supersedes the designation published at 44 FR 19043 on March 30, 1979.

Authority: Delegation of Authority 27 FR 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 FR 815 (1966).

Dick Eudaly,

Regional Administrator—Regional Housing Commissioner, Region VI.

[FR Doc. 84-17790 Filed 7-3-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-84-768]

Office of the Manager, Little Rock Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of Order of Succession.

SUMMARY: The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

EFFECTIVE DATE: This designation is effective September 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451 (this is not a toll-free number).

Designation

Each of the officials appointed to the following positions if designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager.
2. Chief Counsel.
3. Director, Housing Management Division.
4. Director, Housing Development Division.
5. Director, Community Planning and Development Division.
6. Director, Fair Housing and Equal Opportunity Division.

This designation supersedes the designation effective November 24, 1982.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36FR3389, February 23, 1971.

John L. Suskie,

Manager, Little Rock Office.

Dick Eudaly,

Regional Administrator—Regional Housing Commissioner, Region VI.

[FR Doc. 84-17792 Filed 7-3-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-84-767]

Office of the Manager, Oklahoma City Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of Order of Succession.

SUMMARY: The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the manager.

EFFECTIVE DATE: This designation is effective September 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P. O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870–5451 (this is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager.
2. Chief Counsel.
3. Director, Indian Programs Division.
4. Director, Housing Development Division.
5. Director, Housing Management Division.
6. Director, Community Planning and Development Division.
7. Director, Fair Housing and Equal Opportunity Division.

This designation supersedes the designation published at Docket No. D–81–641, **Federal Register** Vol. 46 No. 52, Wednesday, March 18, 1981.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Billy J. Stephenson,

Acting Manager, Oklahoma City Office.

Dick Eudaly,

Regional Administrator—Regional Housing Commissioner, Region VI.

[FR Doc. 84–17791 Filed 7–3–84; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Lakeview Grazing District Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR 4120.6(e) that a meeting of the Lakeview Grazing District Advisory Board will be held August 23, 1984, at 10 a.m. at the BLM's District Office, 1000 South 9th St., Lakeview, Oregon.

The agenda will include the following:

1. Maintenance Responsibility
2. Sub-Leasing
3. Flood Relief Forage
4. Public Comment—1:30–2:30 p.m.
5. Expenditure of Contributed (7120) Funds
6. An Update of District Programs

The meeting will be open to all interested parties who desire to attend. Interested persons may make oral statements to the Board or file a written statement for the Board's consideration.

Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection during regular business hours within 30 days following the meeting.

Dated: June 22, 1984.

Dick Harlow,

Associate District Manager.

[FR Doc. 84–17709 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–84–M

Grand Junction District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of meeting of Grand Junction District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Grand Junction District Grazing Advisory Board will be held on Thursday and Friday August 9th and 10th, 1984.

On August 9th attendees will assemble at the BLM Office, 764 Horizon Drive, Grand Junction, Colorado at 8:30 a.m. and then tour the Wagon Park and Gibbler Allotments. Subjects to be discussed include livestock and wilderness management, pinon juniper chainings, solar powered water developments, bighorn sheep transplants and the preferred alternative related to livestock grazing in the Grand Junction Resource Management Plan.

On August 10th the meeting will convene at 9:00 a.m. in the third floor conference room of the BLM Office at 764 Horizon Drive, Grand Junction, Colorado. The agenda for this day will include (1) minutes of the previous meeting, (2) discussion of new allotment management plans in the Glenwood Springs Resource Area, (3) approval of two cooperative management agreements, (4) current status of range improvement projects, (5) new range improvement project proposals, (6) public presentations, and (7) arrangements for the next meeting.

The meeting is open to the public. Those who wish to make the tour must furnish their own 4-wheel drive transportation, food and beverage. Interested persons may make oral statements to the Board between 2:30 and 3:00 p.m. on Friday, August 10th or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by August 7th, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Further information on the meeting may be obtained at the above address or by calling (303) 243–6552.

Wright Sheldon,

District Manager.

[FR Doc. 84–17721 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–JB–M

Salt Lake District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Salt Lake District Grazing Advisory Board will be held on August 28, 1984.

The meeting will begin at 10 a.m. in the conference room at the Salt Lake District, Bureau of Land Management Office at 2370 South 2300 West, Salt Lake City, Utah.

The purpose of the meeting is to get recommendations on: (1) The District Range Improvement Program, (2) Allotment Management Plan Development, and (3) other business.

The meeting is open to the public and interested persons may make oral statements between 10 and 10:30 a.m. on August 28, or file written statements for the Board's consideration. Anyone wishing to make oral statements must notify the District Manager at 2370 South 2300 West, Salt Lake City, Utah 84119 by August 22, 1984. A time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained at the District Office and will be available for public inspection within 30 days following the meeting.

Frank W. Snell,
District Manager.

[FR Doc. 84-17762 Filed 7-3-84; 8:45 am]
BILLING CODE 4310-DQ-M

Colorado; Intent To Amend the White River Resource Area, Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to White River Resource Area, Management Framework Plan.

SUMMARY: In accordance with 43 CFR Part 1600 and Pub. L. 94-579, section 603. The Bureau of Land Management, Craig District, Colorado, is beginning the process of amending the White River Resource Area Management Framework Plan. The purpose of the MFP amendment is to determine if certain plant species found in the Raven Ridge area listed below should be protected through designation as an Area of Critical Environmental Concern. The effects of designating or not designating for ACEC will be assessed in an environmental assessment.

DATE: The scoping period runs for 30 days from the date of this notice. Written comments must be submitted within this 30 day period.

ADDRESS: Comments should be addressed to B. Curtis Smith, Area Manager, Bureau of Land Management, White River Resource Area, P.O. Box 928, Meeker, Colorado 81641.

SUPPLEMENTARY INFORMATION: The geographic area covered by the proposed Raven Ridge Area of Critical Environmental Concern MFP amendment will be approximately 7006 acres of land in Rio Blanco County, Colorado, within the White River Resource Area. The proposed area lies approximately six miles west of Rangely, Colorado. Following is a legal description of the proposed ACEC area:

Sixth Principal Meridan

T.2N., R. 103W.,
Sec. 18: E½ SW¼. :pts 3&4;
Sec. 19: All;
Sec. 20: SW¼;
Sec. 28; SW¼;
Sec. 29: All;
Sec. 32: E½;
Sec. 33: All;
Sec. 34: W½, SE¼.

T.2N., R. 104W.,
Sec. 13: (with the exception of the present utility corridor) N½ NE¼ Ne¼, NW¼ NE¼, N½, SW¼ NE¼, NW¼ SE¼ NE¼, E½ NE¼ NW¼, SW¼ NE¼ NW¼ NE¼ SW¼ NW¼, S½ SW¼ NW¼ N½ SE¼ SW¼ SW¼ SE¼ NW¼, NW¼ SW¼;
Sec. 14: N½ (with the exception of the present utility corridor), S½ NE¼, NW¼;
Sec. 11: SE¼, W½;
Sec. 24: NE¼ NE¼;
Sec. 2: Lots 3&4, S½ NW¼, SW¼;
Sec. 3: Lots 1, 2, 3&4.
T.1N., R. 103W.,
Sec. 2: W½, SE¼;
Sec. 3: All;
Sec. 4: All;
Sec. 5: NE¼;
Sec. 10: NE¼ NE¼.

The issues to be addressed in the plan amendment is the designation of Raven Ridge as an Area of Critical Environmental Concern.

Planning criteria will involve application of the Bureau of Land Management's "Policy and Procedures for ACECs" and an analysis of conflicting uses, potential impacts, and alternative resource management decisions.

The plan amendment will be prepared and reviewed by an interdisciplinary team with experience and knowledge in the following areas: lands, minerals, wildlife, recreation, cultural resources, vegetation, and livestock grazing.

The following land use alternatives will be considered in the plan amendment and environmental assessment:

1. No designation of the area as an ACEC.
2. No action—continue present interim management and defer the decision until a Resource Management Plan is prepared.
3. Designate the area as an ACEC.
4. Designate the area as a Research Natural Area.
5. Designate the area as an ACEC including a RNA.

The scoping process will consist of a 30 day written comment period and a public meeting to be held from 7:00 to 9:00 P.M. on August 2, 1984. The meeting will be held at: Rangely Municipal Building, 209 E. Main, Rangely, Colorado 81648.

The purpose of the public meeting is to allow the public an opportunity to address the issue of designating Raven Ridge as an Area of Critical Environmental Concern through a MFP amendment.

Through these steps, Bureau of Land Management will complete required land use planning and environmental analysis in order to ensure timely consideration of Raven Ridge for designation as an Area of Critical Environmental Concern.

A list of plant species and their ranking as rare, sensitive, or threatened status is available at: Bureau of Land Management, White River Resource Area, P.O. Box 928, Meeker, Colorado 81641.

For further information contact: David C. Nylander, Team Leader, White River Resource Area, at the above address. (303) 878-3601.

Date: June 26, 1984.

Lee Carie,
District Manager.

[FR Doc. 84-17757 Filed 7-3-84; 8:45 am]
BILLING CODE 4310-84-M

[U-49091]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-49091 for lands in Duchesne County, Utah, was timely filed and required rentals and royalties accruing from April 1, 1984, the date of termination, have been paid.

The lessee has agreed to new lease terms for increased rentals and royalties at rates of $5 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective April 1, 1984, the date of termination, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

W. R. Papworth,
Deputy State Director, Operations.

[FR Doc. 84-17761 Filed 7-3-84; 8:45 am]
BILLING CODE 4310-84-M

[Serial Number AA-9036]

Direct Sale of Public Land in Tenakee Springs, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, noncompetitive sale.

SUMMARY: The following described tract of land has been examined and through land use planning identified as suitable for disposal by noncompetitive sale pursuant to section 203 of the Federal Land Policy and Management Act.

Copper River Meridian, Alaska Lot 15, U.S. Survey No. 2452, situated on the N.E. shore of Tenakee Inlet about 2 miles N.W. of Tenakee. Containing 3.74 acres.

The subject land is being sold to Loren Carter at fair market value, based on his continued year round occupancy of the lands, improvements which have added value to the land, and to facilitate land use planning in the area. Retention of these lands would not serve any Federal purpose and would prove difficult and uneconomic to manage since the surrounding lands belong to the State of Alaska. The State has officially relinquished any claim to the subject parcel.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches and canals.
2. All coal, oil, gas, and geothermal resources.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the land report and environmental assessment, is available for review at the Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507, or call Don Hinrichsen at (907) 267-1308.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments at the above address. Any adverse comments will be evaluated by the Anchorage District Manager who may cancel or modify this action and issue a final determination. In the absence of any adverse action by the Anchorage District Manager, this will become the final determination of the Department of the Interior.

Wayne A. Boden,

District Manager.

[FR Doc. 84-17760 Filed 7-3-84; 8:45 am]

BILLING CODE 4310-JA-M

[NM 58371]

Amoco Production Co., Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of application (NM 58371).

SUMMARY: Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Amoco Production Company has applied for one 20-24 inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 27 E.

Sec. 1: Lot 1 and S½N½.

This pipeline will convey natural gas across 1.017 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico, 88201.

Dated: June 25, 1984.

Earl R. Cunningham,

District Manager, Roswell District.

[FR Doc. 84-17718 Filed 7-3-84; 8:45 am]

BILLING CODE 4310-FB-M

Realty Action; Sale of Public Land in Garfield and Eagle Counties; Colorado

AGENCY: Bureau of Land Management, Interior, Colorado.

ACTION: Notice of Realty Action, Sale of Public Land in Garfield and Eagle Counties, Colorado.

SUMMARY: The following-described lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713) at the appraised fair market value.

SIXTH PRINCIPAL MERIDIAN, GARFIELD AND EAGLE COUNTIES, COLORADO

Parcel	Acres	County [1]	Serial No.	Legal description	Appraised value
36	160	G	C-38501	T. 7 S., R. 92 W., Sec. 29, N½SW¼; Sec. 30, E½S¼	$47,000
37	40	G	C-38502	T. 7 S., R. 92 W., Sec. 27, SW¼NW¼	13,000
39	40	G	C-38503	T. 6 S., R. 92 W., Sec. 33, NW¼SW¼	9,000
40	40	G	C-38504	T. 6 S., R. 92 W., Sec. 16, SW¼SE¼	10,000
41	40	G	C-38505	T. 5 S., R. 92 W., Sec. 26, SE¼SW¼	40,000
42	40	G	C-38506	T. 6 S., R. 92 W., Sec. 15, NE¼SW¼	8,000
43	40	G	C-38507	T. 6 S., R. 92 W., Sec. 26, NE¼NW¼	15,000
44	40	G	C-38508	T. 6 S., R. 92 W., Sec. 25, SW¼SW¼	15,000
45	86.73	G	C-38509	T. 6 S., R. 91 W., Sec. 31, SE¼SW¼	25,000
				T. 7 S., R. 91 W., Sec. 6, Lot 3	
60	29.21	G	C-38494	T. 7 S., R. 89 W., Sec. 23, lots 6, 7, 11 and 14	27,500
67	120	G	C-38495	T. 6 S., R. 89 W., Sec. 13, SW¼SE¼; Sec. 24, NW¼NE¼, NE¼NW¼	54,000
72	16.5	G	C-38496	T. 6 S., R. 88 W., Sec. 26, lot 14	7,500
74	40	E	C-38497	T. 6 S., R. 87 W., Sec. 34, NW¼NW¼	48,000
78	80	G	C-38499	T. 8 S., R. 88 W., Sec. 9, E½SE¼	36,000
300	80	G	C-36814	T. 5 S., R. 93 W., Sec. 13, E½SE¼NE¼SW¼, E½E½SE¼SW¼, NE¼SE¼NW¼SE¼, S½S½NW¼SE¼, SW¼SE¼; Sec. 24, N½N½NW¼NE¼, NE¼NE¼NE¼NW¼.	42,500

[1] G—Garfield County, E—Eagle County.

These lands have not been used for and are not required for any federal purpose. The location and physical characteristics of the parcels make them difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations as approved in the Glenwood Springs Resource Management Plan, January 1984.

Sale Conditions

All minerals beneath the parcels, except those listed below as reservations, will also be offered for conveyance. The mineral interests being offered have no known mineral value. A bid on the parcels will also constitute application for conveyance of those mineral interests offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)). On the sale date, the bidders will be required to deposit an additional $50.00 nonrefundable filing fee and application

for the conveyance of offered minerals pursuant to 43 CFR 2720.1–2(c).

On parcel Number 300, all minerals will be offered for conveyance at the appraised fair market value, subject to an application on file (C–38484), under section 209(b) of the Federal Land Policy and Management Act for the conveyance of mineral estate.

The patents issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). On all parcels except Number 300, the United States will reserve leasable minerals in the lands subject to conveyance, including, without limitation, substances subject to disposition under the general mineral leasing laws and the Geothermal Steam Act. Further information on the reservation of minerals to the United States will be included in the bidding instructions made available for all parcels.

Any patent issued for the following parcels will be subject to the terms and conditions of existing leases, permits or rights-of-way:

Parcel	Reservation
36	Oil and Gas Leases C–23258, C–22971, Grazing lease (6111); unless waived, Leasable Minerals.
37	Oil and Gas Lease C–22971, Garfield County Road 311, Leasable Minerals and Right-of-Way C–30382.
39	Oil and Gas Lease C–34934, Irrigation Ditch, Leasable Minerals.
40	Oil and Gas Lease C–33167, Leasable Minerals, Sand and Gravel under the Materials Act, Right-of-Way C–030996.
41	Oil and Gas Lease C–38001, Grazing lease (8036); unless waived. Leasable Minerals.
42	Oil and Gas Lease C–36949, Leasable Minerals.
43	Leasable Minerals.
44	Leasable Minerals.
45	Oil and Gas Leases C–0127493 and C–27854, Leasable Minerals.
60	Oil and Gas Lease C–29572, leasable minerals, Grazing Lease 8313; unless waived
67	Oil and Gas Lease C–31702, leasable minerals and Rights-of-Way C–22090, C–26510.
72	Leasable minerals.
74	Eagle County Road Number 10A, leasable minerals and Grazing Lease 8305; unless waived.
78	Leasable minerals, Sand gravel under the Materials Act.
300	Oil and Gas Leases C–22876, C–33620.

As a condition of sale of parcels Number 36, 41, 67 and 74, the successful bidder will be required to enter into an agreement with the existing grazing user to preserve the user's right to graze livestock under the terms and conditions of the permit until expiration of the permit.

If sold, all parcels will be subject to Garfield or Eagle County zoning and regulations regarding use and development of the parcels.

Federal law requires all bidders to be U.S. citizens, 18 years of age, or in the case of corporations, be authorized to own real estate in the state of Colorado.

Any parcels not sold on the date of sale will be advertised and reoffered as competitive sales at a later date.

Sale Dates and Procedures

Direct Noncompetitive Sales, the 14th day of September, 1984

Parcels Number 67, 78, and 300 will be offered as direct noncompetitive sales to the adjacent landowners, listed consecutively, Lookout Mountain Ranch Venture, Robert M. Jr. and Ruth Brown Perry, Rifle Gap Land Company. They will be identified as the sole designated bidder for each parcel and no other bids or bidders will be considered. The designated bidder will be required to submit payment of at least 20 percent of the fair market value by cash, certified or cashier check, or money order to the BLM at 50629, Highway 6 and 24, Glenwood Springs, Colorado, on the *14th day of September, 1984.*

Modified Competitive Sales, the 7th day of September, 1984

Parcels Number 36, 39, 40, 41, 42, 43, 44, 45, 60 and 72 will be offered as modified competitive sales to the adjacent landowners. The adjacent landowners will be designated as the only acceptable bidders. The sale will be held at 1 p.m. on the *7th day of September, 1984* at the Bureau of Land Management, Glenwood Springs Resource Area Office, located at 50629 Highway 6 and 24 in Glenwood Springs, Colorado. Sealed bids for these parcels will be accepted until noon on the date of the sale. The sealed bids must be equal to or greater than the appraised fair market value listed above. Sealed bids will be opened at 1 p.m. Where identical high sealed bids are submitted, the successful bidder will be determined by a subsequent round of sealed bidding among the high bidders. Complete bidding instructions will be made available to the designated bidders prior to the date of sale.

Competitive Sales, the 28th day of September, 1984

Parcels Number 37 and 74 will be offered as competitive sales. Bids will be accepted from all qualified bidders. The sale will be held at 1 p.m. on the *28th day of September, 1984* at the Bureau of Land Management, Glenwood Springs Resource, Area Office, located at 50629 Highway 6 and 24 in Glenwood Springs, Colorado. Sealed bids for parcels 37 and 74 will be accepted until noon on the date of the sale. The sealed bids must be equal to or greater than the appraised fair market value listed above. Sealed bids will be opened at 1 p.m. Where identical high sealed bids are submitted, the successful bidder will be determined by a subsequent round of sealed bidding among the high bidders. Complete bidding instructions are available prior to the date of sale from the Bureau Officers listed in the last paragraph under futher information.

Successful bidders must submit the balance of the appraised fair market value within 30 days of the sale date, payable, in the same form at the same location. Failure to submit the remainder of the payment within 30 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit. All unsuccessful sealed bids will be returned within 30 days of the sale.

Further Information and Public Comment

Additional information concerning this sale offering, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this reality action will become the final determination of the Department of the Interior.

Dated: June 22, 1984.

Wright Sheldon,

District Manager, Grand Junction District Office.

[FR Doc. 84–17720 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–JB–M

Planning Amendment Approval UT–040–4–34 and Realty Action U–51360; Sale of Public Lands in Garfield County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: It is proposed to amend the Garfield Management Framework Plan

to allow disposal of 45 acres of public land and to dispose of this tract under authority of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). The land would be sold at no less than the appraised fair market value of $3,000.00 by modified competitive sale procedures.

The land is described as: T. 35 S., R. 5 W., SLB&M, sec. 26, E½E½E½SE¼; sec. 35, NE¼NE¼NE¼, SE¼NE¼NE¼, and E½SW¼NE¼NE¼, Garfield County, Utah.

SUMMARY: There is presently an unauthorized subdivision on a portion of the tract. Because of this and the separation of the tract from other public lands it has been determined to be difficult and uneconomic to manage as Federal land. Sale of the land would also allow this unintentional trespass to be cleared up.

DATES: Comments or protects must be submitted within 45 days from the date of this notice. The sale will be held August 30, 1984.

ADDRESS: Protests to this planning amendment must be in writing and shall be filed with the Utah State Director of BLM, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Comments on the Notice of Realty Action should be sent to: Area Manager, Kanab Resource Area Office, Bureau of Land Management, 320 North 1st East, P.O. Box 459, Kanab, Utah 84741. Detailed information concerning the planning amendment and sale procedures is available for review at the Kanab Area Office, or by calling (801) 644–2672. Prospective bidders should contact the Kanab Area Office prior to submitting a bid as there are specific bidding requirements.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the sale are:

1. Telephone right-of-way U–019787, and highway right-of-way U–060757 will be reserved.
2. The sale will be for surface estate only.
3. There is reserved to the United States a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

This Notice constitutes the Notice of Decision of approval of the planning amendment. For a period of 45 days from the date of this Notice any person who participated in the planning process and has an interest which is or may be adversely affected may protest this approval to the State Director at the address given above. Protests must be made in accordance with 43 CFR 1610.5–2.

This Notice also constitutes notification of the decision to dispose of this land by modified competitive sale. Any comments relative to this decision to sell should be submitted to the Area Manager at the address given above.

All comments received on the Notice of Realty Action during the comment period will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any action by the District Manager or State Director, this Notice will become the final determination of the Department of the Interior.

Dated: June 25, 1984.

Paul W. Swapp,

Acting District Manager.

[FR Doc. 84–17717 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–DQ–M

[M–073342, M–41948, M–44012, M–44013]

Montana; Proposed Continuation of Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that four withdrawals for the Hungry Horse Project continue for 20 years. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing.

ADDRESS: Comments should be sent to Chief, Branch of Land Resources, Montana State Office, P.O. Box 36800, Billings, MT 59107.

FOR FURTHER INFORMATION CONTACT: James Binando, Montana State Office 406–657–6090.

The Bureau of Reclamation proposes that the existing land withdrawals made by Departmental Orders of December 15, 1947, December 10, 1946, and July 2, 1948, be continued in part for 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved are located in Flathead County, Montana and aggregate approximately 29,000 acres.

The purpose of the withdrawals is to protect the continued use of the land for reservoir, hydroelectric flood control, recreation and wildlife benefits.

The withdrawals segregate the lands from operation of the public land laws, generally, including the mining laws, but not the mineral leasing laws. No change in the purpose or segregative effect of these withdrawals is proposed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with these proposed withdrawal continuations may present their views in writing to the Chief, Branch of Land Resources, in the Montana State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, is so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: June 22, 1984.

James Binando,

Chief, Branch of Land Resources.

[FR Doc. 84–17719 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–DN–M

Minerals Management Service

Development Operations Coordination Document; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3543, Block 24, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Patterson, Louisiana.

DATE: The subject DOCD was deemed submitted on June 25, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section;

Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–17710 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4412, Block 2, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on June 25, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/ Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedurres under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–17711 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Kerr-McKee Corp.

AGENCY: Minerals Management Service.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4415, Block 50, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on June 25, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may sumbit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84–17712 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Chevron, USA, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 5535 and 6736, Blocks 70 and 66, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hdrocarbons with support activities to be conducted from an onshore base located at Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on June 25, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 25; 1984.

John L. Rankin,

Regional Manger, Gulf of Mexico OCS Region.

[FR Doc. 84–17765 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operatons in the Outer Continental Shelf; Exxon Co. U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 54 Field Federal Unit Agreement No. 14–08–001–3444, submitted on June 4, 1984, a proposed development operations coordination document describing the activities it proposes to conduct on the South Timbalier Block 54 Field Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practice and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–17713 Filed 7–3–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Martin Luther King, Jr., National Historic Site and Preservation District Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:30 a.m. on Tuesday, July 31, 1984, at the Martin Luther King, Jr., Center for Non-Violent Social Change, Inc., Freedom Hall, Room 261, 449 Auburn Avenue, NE., Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. The purpose of this meeting will be to update the Commission on park planning and operations.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman
Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. C. Randy Humphrey
Mrs. Christine King Farris
Mr. Handy Johnson, Jr.
Mr. James Patterson
Mrs. Freddye Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex-Officio Member
Director, National Park Service, Ex-Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue, NE., Atlanta, Georgia 30312; Telephone 404/221–5190. Minutes of the meeting will be available

approximately 4 weeks after the meeting.

Dated: June 21, 1984.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 84-17779 Filed 7-3-84; 8:45 am]

BILLING CODE 4310-70-M

Death Valley National Monument, Death Valley California and Nevada; Intent To Prepare a General Management Plan

SUMMARY: In accordance with National Park Service policy, a general management plan for Death Valley National Monument will be prepared to guide the management of the monument for the next 10–15 years. A Natural and Cultural Resources Management Plan for the monument was previously completed and approved and will be incorporated in the general management plan by reference. This planning effort will primarily address issues related to visitor services and facilities, management facilities, and land protection strategies. A wilderness proposal is currently before Congress.

FOR FURTHER INFORMATION CONTACT: Superintendent, Death Valley National Monument, Death Valley, California 92328, telephone (619) 786–2331.

SUPPLEMENTARY INFORMATION: The scoping process for this planning effort was initiated in January 1984 and will continue through October 1984. The scoping process will consist of:

(1) Meetings with agencies and organizations who have expressed an interest in the project.

(2) Mailings announcing the initiation of the project to persons and organizations who have indicated by past involvement, an interest in the future management of the Monument.

(3) Contact with visitors to the Monument through brochures and programs.

(4) Solicitation of the above agencies, organizations, and individuals to express their comments on concerns, issues, and opportunities and their desire to participate in interdisciplinary team meetings.

All interested parties are invited to participate in the scoping process. The scoping process will:

(1) Identify those issues, concerns and opportunities to be addressed in depth in both the plan and environmental analysis.

(2) Eliminate insignificant issues, concerns, and opportunities or those that have been covered by a previous environmental analysis.

The planning process is expected to take about 30 months. Major steps in the planning process include: scoping; analysis of available data; development of alternative management strategies; assessment of the potential environmental consequences of proposals and alternatives; public and agency review; analysis of comments; and a determination on the need to prepare an environmental impact statement. Should analysis and review indicate the potential for significant environmental consequences of any of the proposed actions, a Notice of Intent to Prepare an Environmental Impact Statement will be published.

Written comments and suggestions and/or requests to receive any published documents and notices of meetings should be sent to the Superintendent, Death Valley National Monument at the above address.

Dated: June 26, 1984.

W. Lowell White,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 84-17793 Filed 7-3-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-209 (Final)]

Carbon Steel Wire Rod From Spain

Determination

On the basis of the record[1] developed in investigation No. 701–TA–209 (Final), the Commission determines,[2] pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is materially injured by reason of imports of carbon steel wire rod from Spain, provided for in item 607.17 of the Tariff Schedules of the United States (TSUS), which have been found by the Department of Commerce (Commerce) to be subsidized by the Government of Spain.

Counsel for petitioners alleged that imports of carbon steel wire rod from Spain present "critical circumstances." Commerce examined such imports and determined under section 705(a)(2) of the Act that there were massive imports of the merchandise subject to the investigation over a relatively short period benefitting from a subsidy inconsistent with the subsidies code. Because Commerce has made this affirmative critical circumstances determination, the Commission is required to determine whether there is material injury which will be difficult to repair and whether the material injury was by reason of such massive imports. Pursuant to section 705(b)(4)(A), the Commission determines[3] that there is no material injury by reason of such massive imports of the subsidized merchandise over a short period of time, which will be difficult to repair. Accordingly, critical circumstances do not exist.

Background

The Commission instituted this final investigation following a preliminary determination by the Department of Commerce that subsidies were being provided to the manufacturers, producers, or exporters of carbon steel wire rod in Spain. Commerce's preliminary subsidy determination was published in the **Federal Register** on February 24, 1984 (49 FR 6962).

Notice of the institution of the Commission's final investigation and scheduling of the public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, and by publishing the notice in the **Federal Register** on March 21, 1984 (49 FR 10586). On May 8, 1984, Commerce published in the **Federal Register** (49 FR 19551) its affirmative final countervailing duty determination with respect to carbon steel wire rod from Spain. The Commission's hearing was held in Washington, D.C. on May 7, 1984, and all persons who requested the opportunity were permitted to appear in person or through counsel.

The Commission transmitted its report on this investigation to the Secretary of Commerce on June 22, 1984. A public version of the Commission's report, Carbon Steel Wire Rod from Spain (investigation No. 701–TA–209 (Final), USITC Publication 1544, 1984) contains the views of the Commission and information developed during the investigation.

Issued: June 22, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-17800 Filed 7-3-84 8:45 am]

BILLING CODE 7020-02-M

[332-186]

Conditions of Competition Between the U.S. and Canadian Live Swine and Pork Industries

AGENCY: United States International Trade Commission.

[1] The "record" is defined in § 207.2(i) of the Commission's *Rules of Practice and Procedure* (19 U.S.C. 207.2(i)).

[2] Commissioner Haggart not participating.

[3] Chairman Eckes dissenting.

ACTION: Institution of an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of assessing the competitive position of Canadian live swine and pork in the U.S. market.

EFFECTIVE DATE: June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Ludwick, Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–724–1763.

Background and Scope of Investigation

At the request of the United States Senate Committee on Finance, the Commission has instituted investigation No. 332–186 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on the competitive and economic factors affecting the U.S. and Canadian live swine and pork industries in U.S. markets and will analyze these industries' competitive position in these markets. Specifically, the Commission has been asked to:

(A) Profile the U.S. and Canadian industries;

(B) Describe the U.S. and Canadian markets in terms of consumption, production, and trade;

(C) Describe the monthly and annual variations in trade;

(D) Describe the effect of tariffs and health and sanitary regulations on trade between the U.S. and Canada, and the effect of trade regulations in other markets, such as Japan, which may affect U.S. and Canadian export strategies.

(E) Identify Federal, State, and Provincial government assistance programs for the swine growing and processing industries; and

(F) Discuss competitive conditions as they relate to factors such as product price and transportation advantages.

The Commission expects to complete its study by November 21, 1984.

Public Hearing

A public hearing in connection with the investigation will be held beginning September 21, 1984, in Cedar Rapids, Iowa at a time and place to be announced. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 11, 1984.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be received by the Commission at the earliest practicable date, but not later than September 14, 1984. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 26, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-17805 Filed 7-3-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-196]

Certain Apparatus for Installing Electrical Lines and Components Therefor; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 22, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84-17804 Filed 7-3-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-162]

Certain Cardiac Pacemakers and Components Thereof; Commission Determination not to Review an Initial Determination Terminating Certain Patent Claims as to Certain Respondents

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) to terminate the above-captioned investigation regarding U.S. Letters Patent 3,595,242 as to the Telectronics respondents.

Authority: 19 U.S.C. 1337; 19 CFR 210.53(c) and (h).

SUPPLEMENTARY INFORMATION: On February 1, 1984, the Telectronics respondents moved (Motion No. 162–30) for summary determination, under 19 CFR 210.51, that they were not infringing U.S. Letters Patent 3,595,242, on the grounds that they had acquired a license under the patent from parties whose rights were superior to those of complainant Medtronic.

On May 23, 1984, the presiding officer issued an ID (Order No. 52) granting the motion. The ID traced the ownership of the patent rights and concluded that the Teletronics respondents had acquired, from parties with rights superior to Medtronic, the rights to make use and sell articles covered by the patent.

A petition for review was filed by complainant and opposed by the Telectronics respondents and the Commission investigative attorney. No comments were received from other Government agencies.

This determination does not terminate the investigation regarding U.S. Letters Patent 3,595,242, as to the other respondents in the investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202–523–0493.

Issued: June 26, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-17801 Filed 7-3-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-163 (Final)]

Cell-Site Transceivers and Subassemblies Thereof From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: June 12, 1984.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Japan of cell-site

transceivers and subassemblies thereof, provided for in item 685.29 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–163 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigation is extended, the Department of Commerce will make its final dumping determination in this case on or before August 20, 1984, and the Commission will make its final injury determination by October 9, 1984 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Bill Schechter (202–523–0300), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On February 13, 1984, the Commission notified the Department of Commerce that, on the basis of the information developed during the course of its preliminary investigation, there was a reasonable indication that an industry in the United States was materially injured by reason of alleged LTFV imports of certain cell-site radio apparatus and subassemblies thereof from Japan. The preliminary investigation was instituted in response to a petition filed on December 29, 1983, by counsel for E. F. Johnson Co., Waseca, Minnesota.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on August 17, 1984, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on August 30, 1984, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 20, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on August 27, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is August 27, 1984.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on September 7, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before September 7, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201. 8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: June 27, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–17803 Filed 7–3–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–160]

Certain Composite Diamond Coated Textile Machinery Components; Extension of Time for Commission Decision on Whether To Order Review of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the date by which the Commission must decide whether to review the initial determination (ID) finding no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation has been changed from June 29, 1984, to July 23, 1984.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53–210.57 of the Commission's Rules of Practice and Procedure (19 CFR §§ 210.53–210.57 as amended, 48 FR 20226, 21115).

SUPPLEMENTARY INFORMATION: The presiding oficer's ID finding no violation of section 337 in this investigation was

filed on May 29, 1984. Under § 210.53(h) of the Commission's rules, the ID becomes the determination of the Commission within 30 days after the data of filing of the ID unless the Commission orders a review or extends the deadline for deciding whether to review. The 30-day deadline prescribed by the rules would have been June 29, 1984. The Commission has determined to change the deadline to July 23, 1984, in order to allow time for the parties and interested Government agencies to respond to the petitions for review and to allow the Commission adequate opportunity to consider the issues raised therein.

Copies of the nonconfidential version of the initial determination, the petitions for review, any responses thereto (when received), and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–3395.

Issued: June 27, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–17802 Filed 7–3–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 751–TA–8]

Acrylic Sheet From Japan; Commission Determination To Dismiss Petition for Review

AGENCY: U.S. International Trade Commission.

ACTION: Dismissal of section 751(b) petition.

SUMMARY: This action dismisses the petition filed under section 751(b) of the Tariff Act of 1930, 19 U.S.C. 1675(b), instituted on January 25, 1984, on the grounds that the petition is moot.

SUPPLEMENTARY INFORMATION: On May 31, 1984 the Court of International Trade issued Slip Opinion 84–61 in Kyowa Gas Chemical Company, Ltd, v. United States, Court No. 83–8–01226, which affirmed the "Remand Results and Redetermination" issued by the Department of Commerce, International Trade Administration on May 18, 1984, which stated in pertinent part that "Kyowaglas-XA, while generically arcylic sheet, is outside the intended scope of the investigatory findings when compared with various criteria enumerated by the Court. On that basis, Kyowaglas-XA should not be subject to the antidumping finding." Since Kyowaglas-XA is no longer subject to the antidumping finding there is no antidumping order to review under section 751(b).

Thus, the petition is moot and the Commission hereby dismisses the petition without prejudice.

FOR FURTHER INFORMATION CONTACT: Hannelore V. M. Hasl, Office of General Counsel, 202–523–0375.

By order of the Commission.

Issued: June 28, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–17807 Filed 7–3–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–183]

Import Investigations; Certain Indomethacin

Notice

Notice is hereby given that the prehearing conference in this proceeding scheduled for September 4, 1984, and the hearing scheduled to commence immediately thereafter (49 FR 25319) are cancelled.

The prehearing conference is rescheduled to commence at 9:00 a.m. on September 5, 1984, in Room 6311 at the Interstate Commerce Commission Building at 12th and Constitution Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: June 27, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–17806 Filed 7–3–84; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[No. 39755]

Cape Fear Railways, Inc.; Exemption From Tariff Filing Requirements of 49 U.S.C. 10702, 10761, and 10762

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Cape Fear Railways, Incorporated from the tariff requirements of 49 U.S.C. 10702, 10761, and 10762 and the implementing regulations at 49 CFR Part 1300.

DATES: The exemption is effective on July 9, 1984. Petitions for reconsideration must be filed by July 25, 1984. Petitions for stay must be filed by July 16, 1984.

ADDRESSES: Send petitions for stay or reconsideration, referring to docket No. 39755, to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: June 27, 1984.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84–17919 Filed 7–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Section 5a Application No. 23]

Middle Atlantic Conference—Assumption of Steel Carriers Tariff Association, Inc., Functions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision on rate bureau merger request.

SUMMARY: By petiton filed March 1, 1983, the Middle Atlantic Conference (MAC), a motor carrier rate bureau, requested approval of various amendments to its rate agreement. The proposed amendments would enable MAC to conduct consolidated rate bureau activities following a transfer to it of ratemaking, tariff publication, and other bureau activities presently performed by the Steel Carriers Tariff

Association, Inc. (STA), another motor carrier rate bureau. We have approved the proposed amendments, except the provisions concerning the territorial scope of ratemaking for former STA member.

EFFECTIVE DATE: This decision is effective on July 5, 1984.

FOR FURTHER INFORMATION CONTACT: Robert G. Rothstein, (202) 275–7912

or

Howell I. Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc, Room 2227, Interstate Commerce Commission, Washington, D.C., 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403

This notice and accompanying decision are issued pursuant to 49 U.S.C. 10321 and 10706

Decided: June 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–17754 Filed 7–3–84; 8:5 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30506]

Laurinburg and Southern Railroad Company and Robeson County Railroad Corporation; Exemption From 49 U.S.C. 10901, 11301, and 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the requirements of prior approval under 49 U.S.C. 10901, 11301, and 11343, respectively, (1) the operation by Robeson County Railroad Corporation (RCR) of (a) an abandoned 12.78-mile rail line between Fairmont and Elrod, NC, and (b) a 12.54-mile rail line between Red Springs and Parkton, NC which has been approved for abandonment; (2) the issuance by RCR of 100,000 shares of $1 par value common stock to Laurinburg and Southern Railroad Company (L&S); and (3) the continuance in control of RCR by L&S, subject to the employee protective conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). Pursuant to section 10505(b), the Commission on its own initiative exempts (1) RCR from the requirements of prior approval under section 10901 in connection with its acquisition of the above-described lines (through assignment) from L&S; and (2) L&S from the requirements of prior approval under section 10901 in connection with the leases from Fairmont Development Corporation and from Advancement Inc., both noncarriers, and operations by L&S of the above-described lines.

DATES: This exemption

Senator **Jepsen.** n is effective on June 29, 1984. Petitions to reopen are due on July 25, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30506 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Fritz R. Kahn, 1660 L Street, Suite 1000, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to: T.S. InfoSystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289–4357 (DC metropolitan area), or toll free (800) 424–5403.

Decided: June 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84–17752 Filed 7–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-112X)]

Seaboard System Railroad, Inc.; Abandonment; in Letcher County, KY; Exemption

Decided: June 28, 1984.

Seaboard System Railroad, Inc. (SBD) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned at Deane, KY is between mileposts VG—285.23, and VG—286.50, a distance of 1.27 miles in Letcher County, KY.

SBD has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Kentucky has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on August 4, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by July 16, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by July 25, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–17918 Filed 7–3–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30512]

Seaboard System Railroad, Inc.; Merger; Louisville, Henderson & St. Louis Railway Co.; Exemption

Seaboard System Railroad, Inc. (SBD) and Louisville, Henderson & St. Louis Railway Company (LH&StL), filed a notice of exemption concerning the proposed merger of LH&StL into SBD. LH&StL is a wholly-owned subsidiary of SBD. SBD owns 99 percent of LH&StL's outstanding common stock and 95 percent of its outstanding preferred stock. LH&StL is presently operated as an integral part of SBD.

Except for the LH&StL stock owned by SBD, there are 50 shares of LH&StL common stock and 881 shares of preferred stock outstanding. Under the plan of merger, holders of LH&StL's common stock will receive $86.00 per share and the holders of the preferred stock will receive $100.00 per share.

Consummation of the merger will simplify SBD's corporate structure by eliminating an unneeded wholly-owned subsidiary and result in administrative efficiency. The proposal will not have an effect on other carriers, employees, or shippers and will not result in adverse service levels or any significant operational changes.

This is a transaction within a corporate family of the type specifically exempted from the necessary of prior review and approval under 49 CFR 1180.2(d)(3).

As a condition to the use of this exemption, any employee affected by the merger shall be protected pursuant, to the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

This notice is effective on publication.

Decided: June 27, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-17753 Filed 7-3-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Eradication of Cannabis on Federal Lands in the Continental United States; Availability of a Draft Programmatic Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the U.S. Department of Justice, Drug Enforcement Administration (DEA), has prepared a draft programmatic environmental impact statement (DEIS) on the possible environmental and health implications in the United States associated with the eradication of cannabis on Federal lands and intermingled Forest and rangelands in the lower-48 States.

The Draft EIS reviews a range of alternative cannabis eradication strategies including manual means; mechanical means; and herbicides, such as 2,4-D, paraquat, and glyphosate; alternative methods of application; and several combinations of the above methods. The preferred alternative would permit the full range of the eradication methods described above to be used as appropriate.

In accordance with 40 CFR 1501.6, the following agencies have cooperated with DEA in preparing this DEIS: The Department of Agriculture (Forest Service); the Department of Interior (including the Bureau of Land Management and the Fish and Wildlife Service); the Department of Defense; the Department of State; and the Environmental Protection Agency (EPA). As cooperating agencies, these agencies have participated in the scoping process and offered special expertise in developing information and preparing analyses used in this DEIS. This DEIS will be transmitted to EPA on Friday, July 6, 1984 and will be available for public comment on July 13, 1984.

The Federal, state, and local agencies, law enforcement officials, and other individuals and organizations who may be interested in or affected by the program are invited to comment on this DEIS.

Copies of the DEIS have been sent to various Federal, state, and local agencies, and to individuals and organizations which requested copies as outlined in the Council on Environmental Quality guidelines. Public meetings on this DEIS will be held at the following locations on the dates indicated:

August 13, 1984

7:00 P.M.

Richard B. Russell Federal Building, 75 Spring Street, Room 848, Atlanta, Georgia 30305

August 15, 1984

7:00 P.M.

Red Lion Inn—Lloyd Center, 1000 NE. Multnomah Street, Portland, Oregon 97232

August 17, 1984

7:00 P.M.

Sheraton Fisherman's Wharf, 2500 Mason Street, San Francisco, California 95133

August 20, 1984

2:00 P.M.

Department of Health and Human Services, North Auditorium, 330 Independence Avenue, SW., Washington, D.C. 20201

Mr. Francis M. Mullen, Jr., Administrator, Drug Enforcement Administration, Department of Justice, Washington, D.C., is the responsible official for this action.

Written comments concerning the DEIS should be addressed to Thomas G. Byrne, Chief, Cannabis Investigations Section, Operations Division, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Requests for copies of the DEIS should also be addressed to Mr. Byrne. Comments must be received by Monday, August 27, 1984 in order to be considered in the preparation of the Final EIS for this action.

Dated: June 27, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-17761 Filed 7-3-84; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Choreographers Fellowships Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowships) to the National Council on the Arts will be held on July 23-27, 1984, from 9:00 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further infomation with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: June 26, 1984.

John H. Clark,

Director; Office of Council and Panel Operations; National Endowment for the Arts.

[FR Doc. 84-17714 Filed 7-3-84; 8:45 am]

BILLING CODE 7537-01-M

Choreographers Fellowships Prescreening Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowships Prescreening) to the National Council on the Arts will be held on July 19-20, 1984, in the Media

Arts Screening Room of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: June 26, 1984.

John H. Clark,

Director, Office of Council and Panel Operations; National Endowment for the Arts.

[FR Doc. 84–17715 Filed 7–3–84; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–388]

Pennsylvania Power & Light Company, et al.; Issuance of Amendment to Facility Operating License

On March 23, 1984, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License NPF–22 to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (licensees) authorizing operation of The Susquehanna Steam Elecric Station, Unit 2 (the facility) at reactor core power levels of 164.4 megawatts thermal (5 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

The Committee has now issued Amendment No. 1 to Facility Operating License NPF–22, which authorizes operation of the Susquehanna Steam Electric Station, Unit No. 2 at reactor core power levels not in excess of 3293 megawatts thermal (100 percent power) in accordance with the provisions of the amended license. The amendment is effective as of the date of issuance.

The Susquehanna Steam Electric Station, Unit No. 2 is a boiling water nuclear reactor located at the licensee's site in Luzerne County, Pennsylvania.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on August 9, 1978 (43 FR 35406). The increase in power level authorized by this amendment is encompassed by that prior public notice.

The Commission has determined that the issuance of this license amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Amendment No. 1 to Facility Operating License No. NPF–22; (2) Facility Operating License No. NPF–22, dated March 23, 1984 authorizing five percent power; (3) the report of the Advisory Committee on Reactor Safeguards, dated August 11, 1981; (4) the Commission's Safety Evaluation Report, dated April 1981, and Supplements 1 through 7; (5) the Final Safety Analysis Report and amendments thereto; and (6) the Final Environmental Statement, dated June 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of Amendment No. 1 to Facility Operating License No. NPF–22 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1 through 7 (NUREG–0776) and the Final Environmental Statement (NUREG–0564) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call (301) 492–9530.

Dated at Bethesda, Maryland, this 27th day of June 1984.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 84–17786 Filed 7–3–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–354]

Public Service Electric & Gas Company; Availability of the Draft Environmental Statement for Hope Creek Generating Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-1074) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Hope Creek Generating Station located on the Delaware River Estuary in Lower Alloways Creek Township, Salem County, New Jersey. The Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic impacts associated with normal station operation. Station accidents, their likelihood of occurrence and their consequences, including severe accidents, are addressed in section 5.9 of this statement.

Copies of NUREG-1074 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW Washington, D.C. 20555, and at the Pennsville Public Library, 190 South Broadway, Pennsville, New Jersey 08070. The document is also being made available at the State Clearinghouse, Division of Local Government Services, Department of Community Affairs, 329 West State Street CN-803, Trenton, NJ 08625. Requests for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES. Other local agencies may obtain these documents upon request.

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document

Room in Washington, D.C. and the Pennsville Public Library. Comments are due by 8/20/84. After consideration of the comments submitted on the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 29th day of June, 1984.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 84-17788 Filed 7-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-1]

General Electric Company; Issuance of Amendment to Materials License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Materials License No. SNM-2500 held by the General Electric Company for the receipt and storage of spent fuel at the General Electric Morris Operation, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to set an action limit if the cask coolant, or the first cask flush of an air-cooled cask, should be equal to or greater than 1 microcurie per milliliter of radiocesium. The purpose of this specification is to provide for detection of off standard conditions within a cask so that the need for special handling or other considerations can be evaluated prior to off loading of the cask in the storage pool. Recent revision of 10 CFR Part 71 eliminated § 71.35(a)(4) limits previously referenced as the action levels for this license. Consequently, a new limit, which is more restrictive but administratively simpler to comply with, has been set.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.22(c)(11) an environmental assessment need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 8, 1984, (2) Amendment No. 2 to License No. SNM-2500, and (3) the Commission's letter to the licensee dated June 28, 1984. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A copy of items (2) and (3) can be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 28th day of June 1984.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 84-17787 Filed 7-3-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Guidelines on Apportionment From Civil Service Retirement Benefits

Correction

FR Doc. 84-17345 was published on page 26746 in the issue of Friday, June 29, 1984. These guidelines provide drafting assistance in preparing orders that ensure State court orders, dividing civil service retirement benefits, are properly interpreted. It was published in the Proposed Rules section of the **Federal Register.** It should have appeared in the Notices section.

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

767 Limited Partnership; Issuance of Small Business Investment Company License

On August 9, 1983, a Notice was published in the **Federal Register** (48 FR 36238) stating that 767 Limited Partnership, 767 Third Avenue, New York, New York 10017 had filed an Application with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1983)] for a license to operate as a small business investment company.

Interested parties were given until the close of business August 24, 1983, to submit their comments on the Application to SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0468 on June 18, 1984, to 767 Limited Partnership pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 29, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-17771 Filed 7-3-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2155]

Iowa; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Keokuk, Kossuth, and Mahaska in the State of Iowa constitute a disaster loan area because of damage from severe storms, hail, and tornadoes which occurred on or about June 7, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 26, 1984, and for economic injury until March 27, 1985, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Grand Prairie, Texas 75051, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations) including charitable and religious organizations)	10.000

The number assigned to this disaster is 215512 for physical damage and for economic injury the number is 619100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: June 29, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-17772 Filed 7-3-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2154]

Kansas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on June 22, 1984, I find that the Counties of Doniphan and Brown constitute a disaster loan area because of damage from severe storms, tornadoes, and flooding beginning on June 7, 1984. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 21, 1984, and for economic injury until March 22, 1985, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Grand Prairie, TX 75051, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organization)	10.500

The number assigned to this disaster is 215412 for physical damage and for economic injury the number is 619000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: June 28, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-17773 Filed 7-3-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Henrico County and City of Richmond, Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind notice of intent.

SUMMARY: The FHWA is issuing this notice to advice the public that an FHWA-approved environmental impact statement will not be prepared for a proposed highway project in Henrico County and City of Richmond, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240-0045, Telephone (804) 771-2682.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare an environmental impact statement (EIS) on a proposal to construct a four-lane divided facility from 0.38 miles south of the intersection of Forest Hill Avenue and Chippenham Parkway (Route 150) to 1.44 miles north of the intersection of River Road and Parham Road was issued on March 28, 1983 and published in the April 4, 1983 **Federal Register** (48 FR 14465). Subsequent to the publishing of the Notice of Intent, it has been determined that the project will be State funded. For this reason, the Notice of Intent is hereby rescinded.

Issued on: June 26, 1984.

Robert B. Welton,

District Engineer, Richmond, Virginia.

[FR Doc. 84-17728 Filed 7-3-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Availability of Application Packages

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of application packages.

SUMMARY: This document provides notice of the availability of Application Packages for the 1985 Tax Counseling for the Elderly Program.

DATES: Application packages are available from IRS at this time. The deadline for submitting an application package to the IRS for the 1985 Tax Counseling for the Elderly program is August 6, 1984.

ADDRESS: Application Packages may be requested by contacting: Internal Revenue Service, Tax Counseling for the Elderly Program Taxpayer Service Division D:R:T:I 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Deborah Harris of the Taxpayer Service Division, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 7215, Washington, DC 20224, (202) 566-4904, not a toll-free call.

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly program is contained in section 163 of the Revenue Act of 1978 (92 Stat. 2810). Regulations were published in the **Federal Register** at 44 FR 72113 on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Applications are being solicited before the FY 1985 budget has been approved and, therefore, cooperative agreements will be entered into subject to funds being appropriated. Subject to funding, volunteers may receive reimbursement for expenses incurred in training and in providing tax return assistance, and sponsoring agencies and organizations may receive reimbursement for administrative expenses. The Tax Counseling for the Elderly program is referenced in the Catalog of Federal Domestic Assistance in Section 21.006.

Walter M. Alt,

Director, Taxpayer Service Division.

[FR Doc. 84-17849 Filed 7-3-84; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 130
Thursday, July 5, 1984

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).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:35 a.m. on Thursday, June 28, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Adopt a resolution making funds available for the payment of insured deposits in American Bank, St. Joseph, Tennessee, which was closed by the Commissioner of Financial Institutions for the State of Tennessee on Wednesday, June 27, 1984; (2) accept the bid of Commercial and Industrial Bank, Memphis, Tennessee, an insured State nonmember bank, for the transfer of the insured deposits of the closed bank; (3) designate Commercial and Industrial Bank as the agent for the Corporation for the payment of insured deposits of the closed bank; and (4) approve the application of Commercial and Industrial Bank, Memphis, Tennessee, for consent to purchase certain assets of and assume the liability to pay certain deposits made in American Bank, St. Joseph, Tennessee, and for consent to establish branches at the former main office and branch locations of American Bank.

At that same meeting, the Board also considered a resolution regarding the memership of the Budget and Management Committee.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. David L. Chew, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)

Dated: June 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-17892 Filed 7-2-84; 12:15 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 9, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance for United States branches of a foreign bank:

Bank Hapoalim B.M., Tel Aviv, Israel, for Federal deposit insurance of deposits received at and recorded for the accounts of its proposed United States branches to be located at 315 California Street, San Francisco, California, and 16016 Ventura Boulevard, Encino, California.

Application for consent to merge and establish one branch:

Security Bank and Trust Company of Albany, Albany, Georgia, an insured State nonmember bank, for consent to merge, under its charter and title, with Citizens Bank, Colquitt, Georgia, and for consent to establish the sole office of Citizens Bank as a branch of the resultant bank.

Reports of committees and officers.

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors..

Discussion Agenda: No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-17893 Filed 7-2-84; 12:15 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 9, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of the bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for Federal deposit insurance:

Citicorp Industrial Bank, an operating noninsured industrial bank located at 13901 E. Exposition Avenue, Aurora, Colorado.

Citicorp Person-to-Person Boulder Industrial Bank, an operating noninsured industrial bank located at 1600 38th Street, Suite 104, Boulder, Colorado.

Citicorp Person-to-Person Colorado Springs Industrial Bank, an operating noninsured industrial bank located at 2010 North Academy Boulevard, Colorado Springs, Colorado.

Citicorp Person-to-Person Denver Industrial Bank, an operating noninsured industrial bank located at #1 Barclay Plaza, 1675 Larimer, Denver, Colorado.

Citicorp Person-to-Person Englewood Industrial Bank, an operating noninsured industrial bank located at 701 W. Hampden, Unit K–2819, Englewood, Colorado.

Citicorp Person-to-Person Fort Collins Industrial Bank, an operating noninsured industrial bank located at 3050 South College Avenue, Fort Collins, Colorado.

Citicorp Person-to-Person Lakewood Industrial Bank, an operating noninsured industrial bank located at 7063 W. Alameda, Lakewood, Colorado.

Citicorp Person-to-Person Northglenn Industrial Bank, an operating noninsured industrial bank located at 10661 Melody Drive, Northglenn, Colorado.

Application for consent to purchase assets and assume liabilities and establish fourteen branches:

First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay certain deposits made in seven branches of The South Carolina National Bank, Charleston, South Carolina, and seven branches of First National Bank of South Carolina, Columbia, South Carolina, and for consent to establish those fourteen offices as branches of the resultant bank.

Application for capital assistance under section 13(i) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–17884 Filed 7–2–84; 12:15 pm]

BILLING CODE 6714–01–M

4

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, July 11, 1984.

PLACE: Board Hearing Room 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of June, 1984.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523–5920.

Date of Notice: June 25, 1984.

Rowland K. Quinn, Jr.,

Executive Secretary, National Mediation Board.

[FR Doc. 84–17880 Filed 7–2–84; 11:34 am]

BILLING CODE 7550–01–M

federal register

Thursday
July 5, 1984

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payment Program; Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-84-1154; FR-1904]

Section 8 Housing Assistance Payment Program; Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: The United States Housing Act of 1937 requires the Department to publish at least annually Fair Market Rents (FMRs) for its section 8 housing assistance payments programs. This rule establishes FMRs for the section 8 Existing Housing and Moderate Rehabilitation Programs, including space rentals by owners of manufactured homes. The revised FMR schedules reflect estimated rent levels as of April 1, 1985. These revised rents should ensure that section 8 participants will continue to have access to an adequate supply of decent, safe and sanitary housing in all market areas.

DATES: *Effective Date:* October 1, 1984, retroactive to March 29, 1984 for purposes of calculating the Public Housing Agency earned administrative fee.

Comment Due Date: Comments must be submitted by September 4, 1984.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commenter's name and address and must refer to the docket number indicated in the heading of this document. Public Housing Agencies should submit a copy of their comments simultaneously to the Economic and Market Analysis staff in the appropriate HUD Field Office. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Existing Housing Division, Office of Elderly and Assisted Housing, telephone (202) 755-5720. For technical information regarding the development of schedules for specific areas or the method used for the rent calculations, contact Ellis V. St. Clair, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5590. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. This program, which includes housing assistance payments for moderate rehabilitation and existing housing, is administered by PHAs under regulations found in 24 CFR Part 882. (The existing housing program includes assistance for renting manufactured home spaces.) Section 8(c)(1) of the Act requires HUD to publish the Fair Market Rents (FMRs) for these programs at least annually in the **Federal Register**. The Department most recently published Fair Market Rents on September 23, 1983 (see 48 FR 43578), effective on November 2, 1983 (see notice announcing effective date published on October 17, 1983 (45 FR 46980)).

Fair Market Rent Schedules

The Department is establishing 1984 Fair Market Rents that reflect estimated rent levels as of April 1, 1985. These rents are intended to be effective by October 1, 1984. Schedules at the end of this document list the FMR levels for Existing Housing (Schedule B) and Manufactured Home Spaces (Schedule D). FMRs for the Moderate Rehabilitation program continue to be 120 percent of the Schedule B Existing Housing Fair Market Schedules (see 24 CFR 882.408).

On September 23, 1983 (48 FR 43578) HUD published in final rule that adopted revised criteria to determine FMRs. These criteria (HUD's measure of modest housing) will continue to be used and are as follows: (1) The 45th percentile rent (i.e., the rent below which 45 percent of the standard quality rental housing units are distributed); (2) rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) exclusion from the data base of all public housing units and recently completed housing (units built within two years of the survey dates.) Additional increases are provided for the larger (three bedrooms and larger) unit sizes. As in the past, HUD has continued to use the most recent American Housing Survey (AHS) (formerly called the Annual Housing Survey) data pertaining to rents and has updated rent estimates with the rent and the fuel and utilities components of the Consumer Price Index (CPI).

In addition, FMRs are projected to a "date of estimate" (for example, the 1984 FMRs are projected to April 1, 1985) by multiplying current FMRs by inflation rates based on the most currently available previous twelve month period. The rates used are determined by applying available CPI rent data.

Comment on Fair Market Rents

The Department seeks public comment on FMR levels for specific areas. Comments on FMR levels should include sufficient information (including a full description of local data and methodology used) to justify any proposed changes. Recommendations and supporting data must reflect the rent levels that exist within the entire market area (Metropolitan Statistical Area (MSA), Primary Metropolitan Statistical Area (PMSA), or nonmetropolitan county).

Local housing market studies, rental market surveys or other comprehensive rental market data may be submitted to show the 45th percentile rent levels for standard quality rental housing units. To be representative, the local data must exclude units built within the last two years, should not be drawn solely from vacant units, and should approximate the same proportion of units by structure type (e.g., high-rise, single family detached) and date of construction as exists in the total inventory. A weighted sample may be used to obtain appropriate coverage. Since the Department's data base includes only recent movers, where possible PHAs may wish to submit surveys based only on recent movers.

Local rental market surveys may be made to cover all bedroom sizes, or only selected bedroom sizes. Surveys that cover only two-bedroom units are acceptable if rent proposals for other size units are consistent with established HUD differentials by bedroom size, or if other pertinent data is supplied to support the proposals for other size units. When three-and four-bedroom units are surveyed, the following procedure must be used to determine appropriate FMR proposals: (1) Determine the 45th percentile rents for the three- and four-bedroom units surveyed, (2) multiply the 45th percentile three-bedroom rent by 1.087 to determine the three-bedroom FMR, and (3) multiply the four-bedroom rent by 1.077 to determine the four-bedroom FMR. The use of these factors will produce the same upward adjustments in the rent differentials by bedroom size

as those applied to the standard rent differentials for three- and four-bedroom units in the HUD methodology.

For areas where gross rents have increased significantly as a result of taxes or the cost of fuel and utilities applicable to a major portion of the FMR area, data relating to these increased costs may be submitted to justify revision of the FMRs. Data must be adequately described to facilitate evaluation and comparison with tax, fuel and utility costs data used in the Department's FMR calculations, and must be representative of the rental inventory.

Section 207 of the Housing and Urban-Rural Recovery Act of 1983 adds section 8(o) to the United States Housing Act of 1937 (42 U.S.C. 1437f(o)). This section authorizes a demonstration Housing Voucher Program to be used to aid very low-income families or families previously assisted under the 1937 Act in obtaining a decent place to live. The Housing Voucher Program is a modification of the current Section 8 Existing Housing "Certificate Program," with a payment standard used to determine the amount of subsidy payable on behalf of a family. The payment standard will be based upon the Fair Market Rent in effect for a particular FMR area. However, unlike the Certificate Program, the payment standard would not be a cap on the amount of rent tenants participating in the Voucher Program could pay for the unit. Thus, a tenant would have the freedom to lease a more expensive unit than possible in the section 8 Certificate Program, by paying the difference between the payment standard and the actual rent in addition to 30 percent of its adjusted income. Families may also select units with rent below the payment standard and pay less than 30 percent (but never less than a specified minimum rent). This program will increase housing choice for participants in the program and provide an incentive for selecting lower cost, standard units.

The Department anticipates publishing its Voucher Program procedures and expects some PHAs to begin issuing vouchers this fiscal year. For this reason, comments submitted on these rents should consider their application to the section 8(o) Voucher Program as well.

Other Matters

These Fair Market Rents are being published as an interim rule. By using this procedure, the Department is able to meet its statutory obligation of publishing FMRs annually and to solicit comments on specific rents for particular localities. The Department is required to submit its rules scheduled to be published for comment to the Banking Committees of the House and Senate for a period of 15 congressional session days before they may be published. At the time this rule is published, it will have met this prepublication review requirement, because it is a rule being published for comment. Were the Department to publish this rule as a proposed rule today and await the completion of a period for public comment before publishing a final rule, it is clear that, during the current abbreviated congressional session, a final rule could not be published for effect this year. This is because every HUD final rule must await an additional thirty session days after publication before it can become effective. These combined congressional review periods could not be accomplished this year were the Department to follow its usual procedure. Accordingly, in order to have revised FMRs effective before early March, 1985, the Department has determined that there is good cause for publishing these FMR increases for effect without prior opportunity for public comment. Even though the FMRs are being published for effect, all comments received will be considered carefully and the FMR Schedules will be amended as soon as practicable for those market areas for which HUD determines amendments are warranted. In most cases, the FMRs reflect increases in last year's rent levels and thus will benefit potential program participants who seek to find decent, safe and sanitary housing at or below the monetary cap established by the FMRs.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the section 8 Existing Housing program is categorically excluded under HUD regulations at 24 CFR 50.21(d).

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the section 8 program.

This rule was listed as item H–71–83 under the Office of Housing in the Department's Semi-Annual Agenda of Regulation published on April 19, 1984 (49 FR 15902, 15934) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, 24 CFR Part 888 is amended as follows:

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Dated: June 14, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

PART 888—[AMENDED]

Part 888, Subpart A, Schedules B and D are revised as follows:

Note.—The explanatory notes and schedules will not appear in the Code of Federal Regulations.

Fair Market Rents for Existing Housing—Schedules B & D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England States.

b. FMRs for Manufactured Home spaces (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

2. Constituent Parts of Metropolitan Statistical Areas

a. The current 335 MSAs and PMSAs are those established by the Office of Management and Budget effective June 30, 1983.

b. The constituent counties (and New England towns and cities) included in the current 335 MSAs and PMSAs are indentified in the explanatory note following the listing of the FMRs in Schedules B and D. The MSAs are listed in alphabetical order.

3. Calculation of FMRs for Five- or more Bedroom Units

The FMRs for unit sizes larger than four-bedrooms shall be calculated by adding 15 percent to the four-bedroom FMR for each additional bedroom. To illustrate, the calculation of the FMR for a five-bedroom unit would be 1.15 times the four-bedroom FMR, and the calculation of the FMR for a six-bedroom unit would be 1.30 times the four-bedroom FMR, etc.

4. Arrangement of the FMR Areas by HUD Regional and Field Office Jurisdictions

The FMRs in Schedules B and D are arranged by HUD Regional and Field Office jurisdictions. The states included in each of the 10 HUD Regional Office jurisdictions are as follows:

(a) Boston—Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut.

(b) New York—New York, New Jersey, Puerto Rico, Virgin Islands.

(c) Philadelphia—Maryland, Pennsylvania, Delaware, West Virginia, Virginia, District of Columbia.

(d) Atlanta—Georgia, Alabama, South Carolina, North Carolina, Mississippi, Florida, Kentucky, Tennessee.

(e) Chicago—Illinois, Ohio, Michigan, Indiana, Wisconsin, Minnesota.

(f) Fort Worth—New Mexico, Texas, Arkansas, Louisiana, Oklahoma.

(g) Kansas City—Missouri, Kansas, Iowa, Nebraska.

(h) Denver—Wyoming, Colorado, North Dakota, Montana, Utah, South Dakota.

(i) San Francisco—Hawaii, California, Arizona, Nevada, Guam.

(j) Seattle—Alaska, Idaho, Oregon, Washington.

BILLING CODE 4210-27-M

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 BANGOR, MAINE OFFICE						
MSA : BANGOR, ME		285	340	401	498	552
MSA : LEWISTON-AUBURN, ME		280	335	365	456	509
MSA : PORTLAND, ME		318	385	450	567	636
MSA : PORTSMOUTH-DOVER-ROCHESTER, NH-ME		305	370	431	530	595
NON MSA PART : ANDROSCOGGIN	ME	248	287	339	419	460
COUNTY : AROOSTOOK	ME	276	332	384	475	526
NON MSA PART : CUMBERLAND	ME	280	340	400	496	553
COUNTY : FRANKLIN	ME	252	289	340	412	446
COUNTY : HANCOCK	ME	266	315	370	461	514
COUNTY : KENNEBEC	ME	261	303	357	441	482
COUNTY : KNOX	ME	271	312	366	441	477
COUNTY : LINCOLN	ME	271	312	366	441	477
COUNTY : OXFORD	ME	252	289	340	412	446
NON MSA PART : PENOBSCOT	ME	261	315	367	456	503
COUNTY : PISCATAQUIS	ME	252	289	340	412	446
COUNTY : SAGADAHOC	ME	285	346	407	505	564
COUNTY : SOMERSET	ME	271	312	366	441	477
NON MSA PART : WALDO	ME	252	289	340	412	446
COUNTY : WASHINGTON	ME	252	289	340	412	446
NON MSA PART : YORK	ME	302	366	425	524	589
REGION - 1 BOSTON, MASSACHUSETTS OFFICE						
PMSA : BOSTON, MA		396	455	533	652	725
PMSA : BROCKTON, MA		286	348	411	513	567
PMSA : FALL RIVER, MA-RI		288	332	390	485	524
MSA : FITCHBURG-LEOMINSTER, MA		267	326	383	478	533
PMSA : LAWRENCE-HAVERHILL, MA-NH		330	385	448	574	635
PMSA : LOWELL, MA-NH		341	389	449	556	618
MSA : NEW BEDFORD, MA		293	338	398	495	535
PMSA : PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA		279	319	376	468	508
MSA : PITTSFIELD, MA		287	350	407	504	567
PMSA : SALEM-GLOUCESTER, MA		396	455	533	652	725
MSA : SPRINGFIELD, MA		315	381	445	550	603
MSA : WORCESTER, MA		323	374	435	539	581
COUNTY : BARNSTABLE	MA	376	442	519	651	728
NON MSA PART : BERKSHIRE	MA	261	319	374	466	499
NON MSA PART : BRISTOL	MA	271	312	364	457	494
COUNTY : DUKES	MA	376	442	519	651	728
COUNTY : FRANKLIN	MA	305	358	419	504	547
NON MSA PART : HAMPDEN	MA	273	315	371	465	506
NON MSA PART : HAMPSHIRE	MA	370	436	508	612	701
COUNTY : NANTUCKET	MA	376	442	519	651	728
NON MSA PART : PLYMOUTH	MA	310	366	430	531	592
NON MSA PART : WORCESTER	MA	296	342	399	499	541
REGION - 1 BURLINGTON, VERMONT OFFICE						
MSA : BURLINGTON, VT		340	407	478	617	688
COUNTY : ADDISON	VT	298	359	418	538	607
COUNTY : BENNINGTON	VT	298	359	418	538	607
COUNTY : CALEDONIA	VT	276	323	381	494	557
NON MSA PART : CHITTENDEN	VT	298	359	418	538	607
COUNTY : ESSEX	VT	276	323	377	454	498
NON MSA PART : FRANKLIN	VT	276	323	381	494	557
NON MSA PART : GRAND ISLE	VT	254	298	351	455	513
COUNTY : LAMOILLE	VT	276	323	377	454	498
COUNTY : ORANGE	VT	276	323	381	494	557
COUNTY : ORLEANS	VT	276	323	381	494	557
COUNTY : RUTLAND	VT	298	359	418	538	607
COUNTY : WASHINGTON	VT	276	323	381	494	557
COUNTY : WINDHAM	VT	298	359	418	538	607
COUNTY : WINDSOR	VT	298	359	418	538	607
REGION - 1 HARTFORD, CONNECTICUT OFFICE						
PMSA : BRIDGEPORT-MILFORD, CT		306	368	432	530	591
PMSA : BRISTOL, CT		271	333	391	492	544
PMSA : DANBURY, CT		349	420	491	603	668
PMSA : HARTFORD, CT		305	365	431	533	591
PMSA : MIDDLETOWN, CT		295	356	415	512	569
PMSA : NEW BRITAIN, CT		271	333	391	492	544
MSA : NEW HAVEN-MERIDEN, CT		310	369	431	536	591
MSA : NEW LONDON-NORWICH, CT-RI		295	356	415	512	569
PMSA : NORWALK, CT		350	419	490	604	668
PMSA : STAMFORD, CT		365	436	507	630	698
MSA : WATERBURY, CT		289	342	403	500	558
NON MSA PART : HARTFORD	CT	271	333	391	492	544
NON MSA PART : LITCHFIELD	CT	267	328	385	484	536
NON MSA PART : MIDDLESEX	CT	333	403	470	586	652
NON MSA PART : NEW LONDON	CT	239	290	340	423	471
NON MSA PART : TOLLAND	CT	315	378	440	547	603
NON MSA PART : WINDHAM	CT	250	309	363	453	504
REGION - 1 MANCHESTER, NEW HAMPSHIRE OFFICE						
PMSA : LAWRENCE-HAVERHILL, MA-NH		330	385	448	574	635

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 MANCHESTER, NEW HAMPSHIRE OFFICE							
PMSA	: LOWELL, MA-NH		341	389	449	556	618
MSA	: MANCHESTER, NH		305	363	424	521	586
PMSA	: NASHUA, NH		350	423	496	607	657
MSA	: PORTSMOUTH-DOVER-ROCHESTER, NH-ME		305	370	431	530	595
COUNTY	: BELKNAP	NH	298	359	418	516	568
COUNTY	: CARROLL	NH	298	359	418	516	568
COUNTY	: CHESHIRE	NH	305	370	431	530	595
COUNTY	: COOS	NH	261	307	359	436	471
COUNTY	: GRAFTON	NH	298	359	418	516	568
NON MSA PART	: HILLSBOROUGH	NH	293	358	415	512	573
NON MSA PART	: MERRIMACK	NH	305	370	431	530	595
NON MSA PART	: ROCKINGHAM	NH	311	376	441	546	609
NON MSA PART	: STRAFFORD	NH	310	371	434	536	590
COUNTY	: SULLIVAN	NH	298	359	418	516	568
REGION - 1 PROVIDENCE, RHODE ISLAND OFFICE							
PMSA	: FALL RIVER, MA-RI		288	332	390	485	524
MSA	: NEW LONDON-NORWICH, CT-RI		295	356	415	512	569
PMSA	: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA		279	319	376	468	508
PMSA	: PROVIDENCE, RI		267	307	361	449	487
NON MSA PART	: KENT	RI	288	332	388	488	528
NON MSA PART	: NEWPORT	RI	316	356	420	506	552
NON MSA PART	: WASHINGTON	RI	304	351	410	515	558
REGION - 2 ALBANY, NEW YORK OFFICE							
MSA	: ALBANY-SCHENECTADY-TROY, NY		269	327	383	477	534
MSA	: BINGHAMTON, NY		249	298	353	435	488
MSA	: GLENS FALLS, NY		230	279	328	408	456
MSA	: SYRACUSE, NY		260	311	364	454	501
MSA	: UTICA-ROME, NY		201	245	292	364	407
COUNTY	: CAYUGA	NY	237	292	341	425	472
COUNTY	: CHENANGO	NY	255	284	347	424	467
COUNTY	: CLINTON	NY	249	298	346	428	469
COUNTY	: COLUMBIA	NY	230	279	328	408	456
COUNTY	: CORTLAND	NY	237	292	341	425	472
COUNTY	: DELAWARE	NY	205	251	298	373	414
COUNTY	: ESSEX	NY	236	285	334	415	464
COUNTY	: FRANKLIN	NY	213	255	294	359	391
COUNTY	: FULTON	NY	191	237	282	357	398
COUNTY	: HAMILTON	NY	191	237	282	357	398
COUNTY	: JEFFERSON	NY	224	263	313	373	408
COUNTY	: LEWIS	NY	213	255	294	359	391
COUNTY	: OTSEGO	NY	205	251	298	373	414
COUNTY	: ST LAWRENCE	NY	228	266	321	387	424
COUNTY	: SCHOHARIE	NY	237	275	326	399	434
COUNTY	: TOMPKINS	NY	266	334	388	498	546
REGION - 2 BUFFALO, NEW YORK OFFICE							
PMSA	: BUFFALO, NY		274	336	391	475	536
MSA	: ELMIRA, NY		251	292	359	446	495
PMSA	: NIAGARA FALLS, NY		264	324	376	458	516
MSA	: ROCHESTER, NY		267	321	374	462	512
COUNTY	: ALLEGANY	NY	222	266	311	388	431
COUNTY	: CATTARAUGUS	NY	216	260	305	376	423
COUNTY	: CHAUTAUQUA	NY	222	266	311	388	431
COUNTY	: GENESEE	NY	236	279	315	388	423
COUNTY	: SCHUYLER	NY	234	281	337	391	454
COUNTY	: SENECA	NY	275	320	377	458	497
COUNTY	: STEUBEN	NY	234	270	323	407	451
COUNTY	: WYOMING	NY	242	292	340	421	469
COUNTY	: YATES	NY	237	292	341	425	472
REGION - 2 CAMDEN, NEW JERSEY OFFICE							
MSA	: ATLANTIC CITY, NJ		282	341	398	494	550
PMSA	: MONMOUTH-OCEAN, NJ		327	395	462	569	634
PMSA	: PHILADELPHIA, PA-NJ		286	344	402	500	553
PMSA	: TRENTON, NJ		305	367	429	530	589
PMSA	: VINELAND-MILLVILLE-BRIDGETON, NJ		278	337	395	491	544
PMSA	: WILMINGTON, DE-NJ-MD		304	364	421	518	569
REGION - 2 NEW YORK, NEW YORK OFFICE							
PMSA	: NASSAU-SUFFOLK, NY		384	469	539	668	741
PMSA	: NEW YORK, NY		311	372	436	540	599
PMSA	: ORANGE COUNTY, NY		298	359	419	516	574
MSA	: POUGHKEEPSIE, NY		315	376	436	544	607
COUNTY	: SULLIVAN	NY	259	313	367	459	508
COUNTY	: ULSTER	NY	285	340	401	498	552
REGION - 2 NEWARK, NEW JERSEY OFFICE							
MSA	: ALLENTOWN-BETHLEHEM, PA-NJ		272	321	370	450	490
PMSA	: BERGEN-PASSAIC, NJ		390	468	548	677	755

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 2 NEWARK, NEW JERSEY OFFICE							
PMSA	: JERSEY CITY, NJ		265	321	380	472	525
PMSA	: MIDDLESEX-SOMERSET-HUNTERDON, NJ		345	416	485	600	667
PMSA	: MONMOUTH-OCEAN, NJ		327	395	462	569	634
PMSA	: NEWARK, NJ		323	361	426	510	553
REGION - 2 CARIBBEAN OFFICE							
MSA	: AGUADILLA, PR		219	261	307	381	420
MSA	: ARECIBO, PR		319	383	445	548	604
PMSA	: CAGUAS, PR		264	317	371	458	504
MSA	: MAYAGUEZ, PR		219	261	307	381	420
MSA	: PONCE, PR		314	380	440	540	601
PMSA	: SAN JUAN, PR		314	380	440	540	601
MUNICIPIO	: ALL OTHER	PR	206	251	296	362	404
	: -CHAR.AMALIE	VI	352	418	487	595	662
	: ST. CROIX	VI	294	351	410	504	555
	: ST. THOMAS	VI	327	393	459	561	616
REGION - 3 BALTIMORE, MARYLAND OFFICE							
MSA	: BALTIMORE, MD		317	378	446	545	611
MSA	: CUMBERLAND, MD-WV		244	292	341	418	469
MSA	: HAGERSTOWN, MD		267	320	373	462	513
MSA	: WASHINGTON, DC-MD-VA		319	379	440	538	593
PMSA	: WILMINGTON, DE-NJ-MD		304	364	421	518	569
COUNTY	: CAROLINE	MD	258	310	362	448	498
COUNTY	: DORCHESTER	MD	258	310	362	448	498
COUNTY	: GARRETT	MD	250	297	351	436	488
COUNTY	: KENT	MD	273	326	386	479	531
COUNTY	: ST MARYS	MD	326	391	455	572	634
COUNTY	: SOMERSET	MD	258	310	362	448	498
COUNTY	: TALBOT	MD	292	351	409	505	562
COUNTY	: WICOMICO	MD	292	351	409	505	562
COUNTY	: WORCESTER	MD	267	326	379	467	525
REGION - 3 CHARLESTON, WEST VIRGINIA OFFICE							
MSA	: CHARLESTON, WV		261	313	364	451	500
MSA	: CUMBERLAND, MD-WV		244	292	341	418	469
MSA	: HUNTINGTON-ASHLAND, WV-KY-OH		233	277	323	398	441
MSA	: PARKERSBURG-MARIETTA, WV-OH		245	295	341	419	465
MSA	: STEUBENVILLE-WEIRTON, OH-WV		244	292	341	420	466
MSA	: WHEELING, WV-OH		247	296	342	419	466
COUNTY	: BARBOUR	WV	251	303	351	430	474
COUNTY	: BERKELEY	WV	251	303	351	430	474
COUNTY	: BOONE	WV	225	270	311	387	425
COUNTY	: BRAXTON	WV	225	270	311	387	425
COUNTY	: CALHOUN	WV	225	270	311	387	425
COUNTY	: CLAY	WV	225	270	311	387	425
COUNTY	: DODDRIDGE	WV	251	303	351	430	474
COUNTY	: FAYETTE	WV	225	270	311	387	425
COUNTY	: GILMER	WV	225	270	311	387	425
COUNTY	: GRANT	WV	251	303	351	430	474
COUNTY	: GREENBRIER	WV	225	270	311	387	425
COUNTY	: HAMPSHIRE	WV	251	303	351	430	474
COUNTY	: HARDY	WV	251	303	351	430	474
COUNTY	: HARRISON	WV	251	303	351	430	474
COUNTY	: JACKSON	WV	244	286	332	411	452
COUNTY	: JEFFERSON	WV	251	303	351	430	474
COUNTY	: LEWIS	WV	251	303	351	430	474
COUNTY	: LINCOLN	WV	225	270	311	387	425
COUNTY	: LOGAN	WV	225	270	311	387	425
COUNTY	: MCDOWELL	WV	236	281	327	404	451
COUNTY	: MARION	WV	251	303	351	430	474
COUNTY	: MASON	WV	225	270	311	387	425
COUNTY	: MERCER	WV	236	281	327	404	451
COUNTY	: MINGO	WV	225	270	311	387	425
COUNTY	: MONONGALIA	WV	251	303	351	430	474
COUNTY	: MONROE	WV	225	270	311	387	425
COUNTY	: MORGAN	WV	251	303	351	430	474
COUNTY	: NICHOLAS	WV	225	270	311	387	425
COUNTY	: PENDLETON	WV	251	303	351	430	474
COUNTY	: PLEASANTS	WV	236	286	333	411	454
COUNTY	: POCAHONTAS	WV	225	270	311	387	425
COUNTY	: PRESTON	WV	251	303	351	430	474
COUNTY	: RALEIGH	WV	225	270	311	387	425
COUNTY	: RANDOLPH	WV	251	303	351	430	474
COUNTY	: RITCHIE	WV	236	286	333	411	454
COUNTY	: ROANE	WV	225	270	311	387	425
COUNTY	: SUMMERS	WV	225	270	311	387	425
COUNTY	: TAYLOR	WV	251	303	351	430	474
COUNTY	: TUCKER	WV	251	303	351	430	474
COUNTY	: TYLER	WV	227	272	316	393	433
COUNTY	: UPSHUR	WV	251	303	351	430	474
COUNTY	: WEBSTER	WV	225	270	311	387	425
COUNTY	: WETZEL	WV	227	272	316	393	433
COUNTY	: WIRT	WV	201 (8)	243 (10)	282 (12)	349 (17)	389 (20)
COUNTY	: WYOMING	WV	225	270	311	387	425

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 PHILADELPHIA, PENNSYLVANIA OFFICE						
MSA : ALLENTOWN-BETHLEHEM, PA-NJ		272	321	370	450	490
MSA : HARRISBURG-LEBANON-CARLISLE, PA		288	333	394	494	535
MSA : LANCASTER, PA		266	328	394	505	546
PMSA : PHILADELPHIA, PA-NJ		286	344	402	500	553
MSA : READING, PA		254	298	370	461	507
MSA : SCRANTON--WILKES-BARRE, PA		243	299	348	429	486
MSA : STATE COLLEGE, PA		228	275	323	398	436
MSA : WILLIAMSPORT, PA		190	237	281	352	393
MSA : YORK, PA		259	312	366	487	541
COUNTY : BRADFORD	PA	254	305	353	447	495
COUNTY : CLINTON	PA	228	275	323	398	436
COUNTY : FRANKLIN	PA	228	275	323	398	436
COUNTY : JUNIATA	PA	199	255	306	368	411
COUNTY : MIFFLIN	PA	216	272	328	394	442
COUNTY : MONTOUR	PA	216	266	319	381	417
COUNTY : NORTHUMBRLND	PA	242	279	328	408	456
COUNTY : PIKE	PA	260	305	376	466	507
COUNTY : SCHUYLKILL	PA	252	296	359	434	472
COUNTY : SNYDER	PA	199	255	306	368	411
COUNTY : SULLIVAN	PA	205	255	317	387	414
COUNTY : SUSQUEHANNA	PA	237	285	336	415	466
COUNTY : TIOGA	PA	244	287	329	425	470
COUNTY : UNION	PA	260	305	376	466	507
COUNTY : WAYNE	PA	222	257	303	358	391
REGION - 3 PITTSBURGH, PENNSYLVANIA OFFICE						
MSA : ALTOONA, PA		228	276	322	406	448
PMSA : BEAVER COUNTY, PA		267	320	372	459	511
MSA : ERIE, PA		244	277	333	417	454
MSA : JOHNSTOWN, PA		228	267	321	393	434
PMSA : PITTSBURGH, PA		280	336	390	479	535
MSA : SHARON, PA		184	228	269	343	380
COUNTY : ARMSTRONG	PA	174	219	263	332	368
COUNTY : BEDFORD	PA	197	230	275	346	378
COUNTY : BUTLER	PA	236	276	322	392	425
COUNTY : CAMERON	PA	190	237	281	352	393
COUNTY : CLARION	PA	174	219	263	332	368
COUNTY : CLEARFIELD	PA	221	264	313	377	416
COUNTY : CRAWFORD	PA	222	272	321	402	442
COUNTY : ELK	PA	190	237	281	352	393
COUNTY : FOREST	PA	184	228	269	343	380
COUNTY : FULTON	PA	171	213	255	320	359
COUNTY : GREENE	PA	155	197	237	301	337
COUNTY : HUNTINGDON	PA	171	213	255	320	359
COUNTY : INDIANA	PA	242	292	346	428	469
COUNTY : JEFFERSON	PA	190	237	281	352	393
COUNTY : LAWRENCE	PA	184	228	269	343	380
COUNTY : MCKEAN	PA	209	257	289	361	408
COUNTY : POTTER	PA	209	260	307	377	424
COUNTY : VENANGO	PA	184	228	269	343	380
COUNTY : WARREN	PA	184	228	269	343	380
REGION - 3 RICHMOND, VIRGINIA OFFICE						
MSA : CHARLOTTESVILLE, VA		301	361	415	511	563
MSA : DANVILLE, VA		252	304	354	433	481
MSA : JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		239	287	334	410	453
MSA : LYNCHBURG, VA		276	331	385	471	525
MSA : NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA		301	361	415	511	563
MSA : RICHMOND-PETERSBURG, VA		287	345	402	496	553
MSA : ROANOKE, VA		275	330	383	469	523
MSA : WASHINGTON, DC-MD-VA		319	379	440	538	593
COUNTY : ACCOMACK	VA	238	286	333	411	455
COUNTY : ALLEGHANY	VA	231	280	325	402	448
COUNTY : AMELIA	VA	266	321	373	460	512
COUNTY : APPOMATTOX	VA	254	305	354	434	485
COUNTY : AUGUSTA	VA	222	268	311	389	430
COUNTY : BATH	VA	222	268	311	389	430
COUNTY : BEDFORD	VA	275	330	383	469	523
COUNTY : BLAND	VA	183	227	266	331	366
COUNTY : BRUNSWICK	VA	266	321	373	460	512
COUNTY : BUCHANAN	VA	183	227	266	331	366
COUNTY : BUCKINGHAM	VA	266	321	373	460	512
COUNTY : CAROLINE	VA	266	321	373	460	512
COUNTY : CARROLL	VA	205	251	294	362	402
COUNTY : CHARLOTTE	VA	275	330	383	469	523
COUNTY : CLARKE	VA	222	268	311	389	430
COUNTY : CRAIG	VA	227 (14)	273 (16)	319 (20)	393 (27)	440 (31)
COUNTY : CULPEPER	VA	231	280	334	407	449
COUNTY : CUMBERLAND	VA	266	321	373	460	512
COUNTY : DICKENSON	VA	225	247	293	348	423
COUNTY : ESSEX	VA	266	321	373	460	512
COUNTY : FAUQUIER	VA	260	311	361	448	495
COUNTY : FLOYD	VA	275	330	383	469	523
COUNTY : FRANKLIN	VA	203	247	287	359	394
COUNTY : FREDERICK	VA	222	268	311	389	430
COUNTY : GILES	VA	231	280	325	402	448
COUNTY : GRAYSON	VA	205	251	294	362	402
COUNTY : GREENSVILLE	VA	266	321	373	460	512

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 3 RICHMOND, VIRGINIA OFFICE						
COUNTY : HALIFAX	VA	275	330	383	469	523
COUNTY : HENRY	VA	275	330	383	469	523
COUNTY : HIGHLAND	VA	222	268	311	389	430
COUNTY : ISLE OFWIGHT	VA	203	247	287	359	394
COUNTY : KING + QUEEN	VA	266	321	373	460	512
COUNTY : KING GEORGE	VA	281	334	389	478	529
COUNTY : KING WILLIAM	VA	266	321	373	460	512
COUNTY : LANCASTER	VA	266	321	373	460	512
COUNTY : LEE	VA	187	227	266	331	366
COUNTY : LOUISA	VA	266	321	373	460	512
COUNTY : LUNENBURG	VA	266	321	373	460	512
COUNTY : MADISON	VA	266	321	373	460	512
COUNTY : MATHEWS	VA	203	247	287	359	394
COUNTY : MECKLENBURG	VA	266	321	373	460	512
COUNTY : MIDDLESEX	VA	203	247	287	359	394
COUNTY : MONTGOMERY	VA	275	330	383	469	523
COUNTY : NELSON	VA	252	304	354	433	481
COUNTY : NORTHAMPTON	VA	238	286	333	411	455
COUNTY : NORTHUMBERLD	VA	266	321	373	460	512
COUNTY : NOTTOWAY	VA	266	321	373	460	512
COUNTY : ORANGE	VA	266	321	373	460	512
COUNTY : PAGE	VA	222	268	311	389	430
COUNTY : PATRICK	VA	275	330	383	469	523
COUNTY : PRINCEEDWARD	VA	266	321	373	460	512
COUNTY : PULASKI	VA	275	330	383	469	523
COUNTY : RAPPAHANNOCK	VA	231	280	325	402	448
COUNTY : RICHMOND	VA	292	351	409	505	562
COUNTY : ROCKBRIDGE	VA	222	268	311	389	430
COUNTY : ROCKINGHAM	VA	222	268	311	389	430
COUNTY : RUSSELL	VA	239	287	334	410	453
COUNTY : SHENANDOAH	VA	222	268	311	389	430
COUNTY : SMYTH	VA	187	227	266	331	366
COUNTY : SOUTHAMPTON	VA	203	247	287	359	394
COUNTY : SPOTSLYVANIA	VA	281	334	389	478	529
COUNTY : SURRY	VA	203	247	287	359	394
COUNTY : SUSSEX	VA	266	321	373	460	512
COUNTY : TAZEWELL	VA	239	287	334	410	453
COUNTY : WARREN	VA	222	268	311	389	430
COUNTY : WESTMORELAND	VA	266	321	373	460	512
COUNTY : WISE	VA	239	287	334	410	453
COUNTY : WYTHE	VA	231	280	325	402	448
INDEP. CITY : BEDFORD	VA	275	330	383	469	523
INDEP. CITY : BUENA VISTA	VA	222	268	311	389	430
INDEP. CITY : CLIFTON FORG	VA	231	280	325	402	448
INDEP. CITY : COVINGTON	VA	231	280	325	402	448
INDEP. CITY : EMPORIA	VA	266	321	373	460	512
INDEP. CITY : FRANKLIN	VA	231	280	325	402	448
INDEP. CITY : FREDERICKBUR	VA	281	334	389	478	529
INDEP. CITY : GALAX	VA	205	251	294	362	402
INDEP. CITY : HARRISONBURG	VA	222	268	311	389	430
INDEP. CITY : LEXINGTON	VA	222	268	311	389	430
INDEP. CITY : MARTINSVILLE	VA	275	330	383	469	523
INDEP. CITY : NORTON	VA	239	287	334	410	453
INDEP. CITY : RADFORD	VA	275	330	383	469	523
INDEP. CITY : SOUTH BOSTON	VA	275	330	383	469	523
INDEP. CITY : STAUNTON	VA	248	299	347	430	491
INDEP. CITY : WAYNESBORO	VA	222	268	311	389	430
INDEP. CITY : WINCHESTER	VA	222	268	311	389	430
REGION - 3 WASHINGTON, D.C. OFFICE						
MSA : WASHINGTON, DC-MD-VA		319	379	440	538	593
REGION - 3 WILMINGTON, DELAWARE OFFICE						
PMSA : WILMINGTON, DE-NJ-MD		304	364	421	518	569
COUNTY : KENT	DE	244	309	361	462	501
COUNTY : SUSSEX	DE	244	309	361	462	501
REGION - 4 ATLANTA, GEORGIA OFFICE						
MSA : ALBANY, GA		203	247	287	359	394
MSA : ATHENS, GA		279	332	391	487	543
MSA : ATLANTA, GA		287	344	397	486	535
MSA : AUGUSTA, GA-SC		254	305	356	441	490
MSA : CHATTANOOGA, TN-GA		229	279	326	402	449
MSA : COLUMBUS, GA-AL		223	270	314	391	433
MSA : MACON-WARNER ROBINS, GA		253	307	359	446	498
MSA : SAVANNAH, GA		282	306	345	425	470
COUNTY : APPLING	GA	205	251	294	362	402
COUNTY : ATKINSON	GA	187	228	268	334	367
COUNTY : BACON	GA	205	251	294	362	402
COUNTY : BAKER	GA	203	247	287	359	394
COUNTY : BALDWIN	GA	250	297	351	436	482
COUNTY : BANKS	GA	227	275	323	400	447
COUNTY : BARTON	GA	190	234	272	338	374
COUNTY : BEN HILL	GA	203	247	287	359	394

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 ATLANTA, GEORGIA OFFICE						
COUNTY : BERRIEN	GA	184	226	261	329	361
COUNTY : BLECKLEY	GA	203	247	287	359	394
COUNTY : BRANTLEY	GA	221	267	311	387	426
COUNTY : BROOKS	GA	184	226	261	329	361
COUNTY : BRYAN	GA	240	260	294	361	400
COUNTY : BULLOCH	GA	205	251	294	362	402
COUNTY : BURKE	GA	210	254	301	369	411
COUNTY : CALHOUN	GA	203	247	287	359	394
COUNTY : CAMDEN	GA	221	267	311	387	426
COUNTY : CANDLER	GA	205	251	294	362	402
COUNTY : CARROLL	GA	250	297	351	436	482
COUNTY : CHARLTON	GA	203	246	287	354	391
COUNTY : CHATTOOGA	GA	197	240	281	349	391
COUNTY : CLAY	GA	203	247	287	359	394
COUNTY : CLINCH	GA	184	226	261	329	361
COUNTY : COFFEE	GA	205	251	294	362	402
COUNTY : COLQUITT	GA	213	261	303	379	419
COUNTY : COOK	GA	184	226	261	329	361
COUNTY : CRAWFORD	GA	203	247	287	359	394
COUNTY : CRISP	GA	221	270	313	391	429
COUNTY : DAWSON	GA	190	234	272	338	374
COUNTY : DECATUR	GA	203	247	287	359	394
COUNTY : DODGE	GA	203	247	287	359	394
COUNTY : DOOLY	GA	203	247	287	359	394
COUNTY : EARLY	GA	203	247	287	359	394
COUNTY : ECHOLS	GA	184	226	261	329	361
COUNTY : ELBERT	GA	227	275	323	400	447
COUNTY : EMANUEL	GA	210	254	301	369	411
COUNTY : EVANS	GA	205	251	294	362	402
COUNTY : FANNIN	GA	190	234	272	338	374
COUNTY : FLOYD	GA	244	292	345	430	475
COUNTY : FRANKLIN	GA	208	252	297	365	409
COUNTY : GILMER	GA	190	234	272	338	374
COUNTY : GLASCOCK	GA	210	254	301	369	411
COUNTY : GLYNN	GA	240	292	338	418	464
COUNTY : GORDON	GA	197	240	281	349	391
COUNTY : GRADY	GA	203	247	287	359	394
COUNTY : GREENE	GA	208	252	297	365	409
COUNTY : HABERSHAM	GA	222	273	317	393	434
COUNTY : HALL	GA	253	307	361	445	496
COUNTY : HANCOCK	GA	203	247	287	359	394
COUNTY : HARALSON	GA	190	234	272	338	374
COUNTY : HARRIS	GA	205	250	290	360	398
COUNTY : HART	GA	220	264	323	386	424
COUNTY : HEARD	GA	223	270	314	391	433
COUNTY : IRWIN	GA	203	247	287	359	394
COUNTY : JASPER	GA	203	247	287	359	394
COUNTY : JEFF DAVIS	GA	205	251	294	362	402
COUNTY : JEFFERSON	GA	229	279	326	402	449
COUNTY : JENKINS	GA	210	254	301	369	411
COUNTY : JOHNSON	GA	203	247	287	359	394
COUNTY : LAMAR	GA	217	261	309	379	420
COUNTY : LANIER	GA	184	226	261	329	361
COUNTY : LAURENS	GA	222	270	313	391	429
COUNTY : LIBERTY	GA	205	251	294	362	402
COUNTY : LINCOLN	GA	210	254	301	369	411
COUNTY : LONG	GA	205	251	294	362	402
COUNTY : LOWNDES	GA	267	320	379	467	525
COUNTY : LUMPKIN	GA	190	234	272	338	374
COUNTY : MCINTOSH	GA	221	267	311	387	426
COUNTY : MACON	GA	203	247	287	359	394
COUNTY : MARION	GA	205	250	290	360	398
COUNTY : MERIWETHER	GA	205	250	290	360	398
COUNTY : MILLER	GA	203	247	287	359	394
COUNTY : MITCHELL	GA	203	247	287	359	394
COUNTY : MONROE	GA	203	247	287	359	394
COUNTY : MONTGOMERY	GA	205	251	294	362	402
COUNTY : MORGAN	GA	208	252	297	365	409
COUNTY : MURRAY	GA	197	240	281	349	391
COUNTY : OGLETHORPE	GA	208	252	297	365	409
COUNTY : PICKENS	GA	190	234	272	338	374
COUNTY : PIERCE	GA	221	267	311	387	426
COUNTY : PIKE	GA	217	261	309	379	420
COUNTY : POLK	GA	210	259	302	374	416
COUNTY : PULASKI	GA	203	247	287	359	394
COUNTY : PUTNAM	GA	203	247	287	359	394
COUNTY : QUITMAN	GA	223	270	314	391	433
COUNTY : RABUN	GA	190	234	272	338	374
COUNTY : RANDOLPH	GA	203	247	287	359	394
COUNTY : SCHLEY	GA	205	250	290	360	398
COUNTY : SCREVEN	GA	205	251	294	362	402
COUNTY : SEMINOLE	GA	203	247	287	359	394
COUNTY : STEPHENS	GA	220	261	309	387	425
COUNTY : STEWART	GA	205	250	290	360	398
COUNTY : SUMTER	GA	244	295	344	423	468
COUNTY : TALBOT	GA	223	270	314	391	433
COUNTY : TALIAFERRO	GA	210	254	301	369	411
COUNTY : TATTNALL	GA	205	251	294	362	402
COUNTY : TAYLOR	GA	203	247	287	359	394
COUNTY : TELFAIR	GA	203	247	287	359	394
COUNTY : TERRELL	GA	203	247	287	359	394
COUNTY : THOMAS	GA	231	281	326	408	448

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 ATLANTA, GEORGIA OFFICE						
COUNTY : TIFT	GA	225	273	317	396	434
COUNTY : TOOMBS	GA	205	251	294	362	402
COUNTY : TOWNS	GA	190	234	272	338	374
COUNTY : TREUTLEN	GA	203	247	287	359	394
COUNTY : TROUP	GA	228	275	323	402	448
COUNTY : TURNER	GA	203	247	287	359	394
COUNTY : TWIGGS	GA	210 (28)	255 (33)	300 (40)	375 (52)	420 (59)
COUNTY : UNION	GA	190	234	272	338	374
COUNTY : UPSON	GA	198	240	281	348	388
COUNTY : WARE	GA	221	267	311	387	426
COUNTY : WARREN	GA	210	254	301	369	411
COUNTY : WASHINGTON	GA	203	247	287	359	394
COUNTY : WAYNE	GA	205	251	294	362	402
COUNTY : WEBSTER	GA	205	250	290	360	398
COUNTY : WHEELER	GA	203	247	287	359	394
COUNTY : WHITE	GA	190	234	272	338	374
COUNTY : WHITFIELD	GA	197	240	281	349	391
COUNTY : WILCOX	GA	203	247	287	359	394
COUNTY : WILKES	GA	210	254	301	369	411
COUNTY : WILKINSON	GA	203	247	287	359	394
COUNTY : WORTH	GA	203	247	287	359	394
REGION - 4 BIRMINGHAM, ALABAMA OFFICE						
MSA : ANNISTON, AL		207	255	297	373	415
MSA : BIRMINGHAM, AL		238	291	339	417	462
MSA : COLUMBUS, GA-AL		223	270	314	391	433
MSA : DOTHAN, AL		220	266	309	385	423
MSA : FLORENCE, AL		231	281	332	405	449
MSA : GADSDEN, AL		176	219	254	319	353
MSA : HUNTSVILLE, AL		253	307	356	441	489
MSA : MOBILE, AL		226	267	320	393	439
MSA : MONTGOMERY, AL		194	236	279	344	382
MSA : TUSCALOOSA, AL		227	275	323	400	447
COUNTY : BARBOUR	AL	221	267	311	387	426
COUNTY : BIBB	AL	227	275	323	400	447
COUNTY : BULLOCK	AL	194	236	279	344	382
COUNTY : BUTLER	AL	221	267	311	387	426
COUNTY : CHAMBERS	AL	223	270	314	391	433
COUNTY : CHEROKEE	AL	176	219	254	319	353
COUNTY : CHILTON	AL	227	275	323	400	447
COUNTY : CHOCTAN	AL	223	270	314	391	433
COUNTY : CLARKE	AL	208	254	300	371	414
COUNTY : CLAY	AL	176	219	254	319	353
COUNTY : CLEBURNE	AL	190	234	272	338	374
COUNTY : COFFEE	AL	221	267	311	387	426
COUNTY : CONECUH	AL	208	254	300	371	414
COUNTY : COOSA	AL	194	236	279	344	382
COUNTY : COVINGTON	AL	221	267	311	387	426
COUNTY : CRENSHAW	AL	221	267	311	387	426
COUNTY : CULLMAN	AL	176	219	254	319	353
COUNTY : DALLAS	AL	194	236	279	344	382
COUNTY : DE KALB	AL	197	240	281	349	391
COUNTY : ESCAMBIA	AL	232	281	326	404	451
COUNTY : FAYETTE	AL	227	275	323	400	447
COUNTY : FRANKLIN	AL	191	235	277	341	381
COUNTY : GENEVA	AL	221	267	311	387	426
COUNTY : GREENE	AL	227	275	323	400	447
COUNTY : HALE	AL	227	275	323	400	447
COUNTY : HENRY	AL	221	267	311	387	426
COUNTY : JACKSON	AL	197	240	281	349	391
COUNTY : LAMAR	AL	227	275	323	400	447
COUNTY : LAWRENCE	AL	191	235	277	341	381
COUNTY : LEE	AL	223	270	314	391	433
COUNTY : LIMESTONE	AL	212	259	300	370	412
COUNTY : LOWNDES	AL	194	236	279	344	382
COUNTY : MACON	AL	194	236	279	344	382
COUNTY : MARENGO	AL	223	270	314	391	433
COUNTY : MARION	AL	227	275	323	400	447
COUNTY : MARSHALL	AL	197 (17)	240 (20)	280 (24)	348 (33)	388 (37
COUNTY : MONROE	AL	208	254	300	371	414
COUNTY : MORGAN	AL	222	267	311	387	425
COUNTY : PERRY	AL	194	236	279	344	382
COUNTY : PICKENS	AL	227	275	323	400	447
COUNTY : PIKE	AL	221	267	311	387	426
COUNTY : RANDOLPH	AL	223	270	314	391	433
COUNTY : SUMTER	AL	223	270	314	391	433
COUNTY : TALLADEGA	AL	205	251	293	361	403
COUNTY : TALLAPOOSA	AL	194	236	279	344	382
COUNTY : WASHINGTON	AL	208	254	300	371	414
COUNTY : WILCOX	AL	208	254	300	371	414
COUNTY : WINSTON	AL	227	275	323	400	447
REGION - 4 CORAL GABLES, FLORIDA OFFICE						
PMSA : FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL		372	440	512	623	689
MSA : FORT MYERS, FL		301	361	419	516	572
PMSA : FORT PIERCE, FL		237	289	335	413	461
MSA : MIAMI-HIALEAH, FL		372	444	515	630	701
MSA : WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL		333	398	463	565	623

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 CORAL GABLES, FLORIDA OFFICE						
COUNTY : CHARLOTTE	FL	301	361	419	516	572
COUNTY : COLLIER	FL	356	425	501	620	689
COUNTY : GLADES	FL	241	294	342	420	468
COUNTY : HENDRY	FL	241	294	342	420	468
COUNTY : MONROE	FL	241	294	342	420	468
REGION - 4 COLUMBIA, SOUTH CAROLINA OFFICE						
MSA : ANDERSON, SC		194	236	279	344	382
MSA : AUGUSTA, GA-SC		254	305	356	441	490
MSA : CHARLESTON, SC		265	321	373	463	512
MSA : CHARLOTTE-GASTONIA-ROCK HILL, NC-SC		270	326	377	467	515
MSA : COLUMBIA, SC		258	310	362	448	498
MSA : FLORENCE, SC		206	251	296	362	405
MSA : GREENVILLE-SPARTANBURG, SC		222	268	311	389	430
COUNTY : ABBEVILLE	SC	194	236	279	344	382
COUNTY : ALLENDALE	SC	229	279	326	402	449
COUNTY : BAMBERG	SC	229	279	326	402	449
COUNTY : BARNWELL	SC	229	279	326	402	449
COUNTY : BEAUFORT	SC	229	279	326	402	449
COUNTY : CALHOUN	SC	207	252	299	366	409
COUNTY : CHEROKEE	SC	221	265	309	387	423
COUNTY : CHESTER	SC	208	254	300	371	414
COUNTY : CHESTERFIELD	SC	206	251	296	362	405
COUNTY : CLARENDON	SC	207	252	299	366	409
COUNTY : COLLETON	SC	229	279	326	402	449
COUNTY : DARLINGTON	SC	206	251	296	362	405
COUNTY : DILLON	SC	206	251	296	362	405
COUNTY : EDGEFIELD	SC	229	279	326	402	449
COUNTY : FAIRFIELD	SC	207	252	299	366	409
COUNTY : GEORGETOWN	SC	206	251	296	362	405
COUNTY : GREENWOOD	SC	194	236	279	344	382
COUNTY : HAMPTON	SC	229	279	326	402	449
COUNTY : HORRY	SC	229	277	323	396	442
COUNTY : JASPER	SC	205	251	294	362	402
COUNTY : KERSHAW	SC	207	252	299	366	409
COUNTY : LANCASTER	SC	208	254	300	371	414
COUNTY : LAURENS	SC	194	236	279	344	382
COUNTY : LEE	SC	207	252	299	366	409
COUNTY : MCCORMICK	SC	229	279	326	402	449
COUNTY : MARION	SC	206	251	296	362	405
COUNTY : MARLBORO	SC	206	251	296	362	405
COUNTY : NEWBERRY	SC	207	252	299	366	409
COUNTY : OCONEE	SC	221	265	309	387	423
COUNTY : ORANGEBURG	SC	229	277	323	396	442
COUNTY : SALUDA	SC	229	279	326	402	449
COUNTY : SUMTER	SC	207	252	299	366	409
COUNTY : UNION	SC	194	254	300	371	414
COUNTY : WILLIAMSBURG	SC	206	251	296	362	405
REGION - 4 GREENSBORO, NORTH CAROLINA OFFICE						
MSA : ASHEVILLE, NC		210	255	303	371	415
MSA : BURLINGTON, NC		239	290	337	418	463
MSA : CHARLOTTE-GASTONIA-ROCK HILL, NC-SC		270	326	377	467	515
MSA : FAYETTEVILLE, NC		243	293	340	418	464
MSA : GREENSBORO--WINSTON-SALEM--HIGH POINT, NC		239	290	337	418	463
MSA : HICKORY, NC		214	259	304	379	415
MSA : JACKSONVILLE, NC		223	270	314	391	433
MSA : RALEIGH-DURHAM, NC		271	327	385	473	524
MSA : WILMINGTON, NC		221	268	312	389	430
COUNTY : ALLEGHANY	NC	219	264	309	386	422
COUNTY : ANSON	NC	221	265	309	386	423
COUNTY : ASHE	NC	219	264	309	386	422
COUNTY : AVERY	NC	219	264	309	386	422
COUNTY : BEAUFORT	NC	235	281	327	407	449
COUNTY : BERTIE	NC	203	247	287	359	394
COUNTY : BLADEN	NC	243	293	340	418	464
COUNTY : BRUNSWICK	NC	227	275	320	398	442
COUNTY : CALDWELL	NC	219	264	309	386	422
COUNTY : CAMDEN	NC	235	281	327	407	449
COUNTY : CARTERET	NC	205	250	290	360	398
COUNTY : CASWELL	NC	252	304	354	433	481
COUNTY : CHATHAM	NC	243	293	340	418	464
COUNTY : CHEROKEE	NC	207	252	299	366	409
COUNTY : CHOWAN	NC	235	281	327	407	449
COUNTY : CLAY	NC	207	252	299	366	409
COUNTY : CLEVELAND	NC	219	264	309	386	422
COUNTY : COLUMBUS	NC	223	270	314	391	433
COUNTY : CRAVEN	NC	205	250	290	360	398
COUNTY : CURRITUCK	NC	267	320	368	455	502
COUNTY : DARE	NC	235	281	327	407	449
COUNTY : DUPLIN	NC	223	270	314	391	433
COUNTY : EDGECOMBE	NC	203	247	287	359	394
COUNTY : GATES	NC	235	281	327	407	449
COUNTY : GRAHAM	NC	207	252	299	366	409
COUNTY : GRANVILLE	NC	203	247	287	359	394
COUNTY : GREENE	NC	235	281	327	407	449
COUNTY : HALIFAX	NC	203	247	287	359	394
COUNTY : HARNETT	NC	243	293	340	418	464

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517
FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 GREENSBORO, NORTH CAROLINA OFFICE						
COUNTY : HAYWOOD	NC	207	252	299	366	409
COUNTY : HENDERSON	NC	207	252	299	366	409
COUNTY : HERTFORD	NC	203	247	287	359	394
COUNTY : HOKE	NC	243	293	340	418	464
COUNTY : HYDE	NC	235	281	327	407	449
COUNTY : IREDELL	NC	220	267	314	387	432
COUNTY : JACKSON	NC	207	252	299	366	409
COUNTY : JOHNSTON	NC	253	305	359	444	488
COUNTY : JONES	NC	205	250	290	360	398
COUNTY : LEE	NC	243	293	340	418	464
COUNTY : LENOIR	NC	205	250	290	360	398
COUNTY : MCDOWELL	NC	219	264	309	386	422
COUNTY : MACON	NC	207	252	299	366	409
COUNTY : MADISON	NC	170 (21)	207 (27)	246 (31)	304 (40)	340 (45)
COUNTY : MARTIN	NC	235	281	327	407	449
COUNTY : MITCHELL	NC	219	264	309	386	422
COUNTY : MONTGOMERY	NC	221	265	309	386	423
COUNTY : MOORE	NC	221	265	309	386	423
COUNTY : NASH	NC	203	247	287	359	394
COUNTY : NORTHAMPTON	NC	203	247	287	359	394
COUNTY : PAMLICO	NC	205	250	290	360	398
COUNTY : PASQUOTANK	NC	235	281	327	407	449
COUNTY : PENDER	NC	223	270	314	391	433
COUNTY : PERQUIMANS	NC	235	281	327	407	449
COUNTY : PERSON	NC	243	293	340	418	464
COUNTY : PITT	NC	235	281	327	407	449
COUNTY : POLK	NC	219	264	309	386	422
COUNTY : RICHMOND	NC	221	265	309	386	423
COUNTY : ROBESON	NC	243	293	340	418	464
COUNTY : ROCKINGHAM	NC	205	251	294	362	402
COUNTY : RUTHERFORD	NC	219	264	309	386	422
COUNTY : SAMPSON	NC	243	293	340	418	464
COUNTY : SCOTLAND	NC	195	238	281	347	388
COUNTY : STANLY	NC	195	238	281	347	388
COUNTY : SURRY	NC	239	290	337	418	463
COUNTY : SWAIN	NC	207	252	299	366	409
COUNTY : TRANSYLVANIA	NC	207	252	299	366	409
COUNTY : TYRRELL	NC	235	281	327	407	449
COUNTY : VANCE	NC	203	247	287	359	394
COUNTY : WARREN	NC	263	316	369	454	505
COUNTY : WASHINGTON	NC	235	281	327	407	449
COUNTY : WATAUGA	NC	219	264	309	386	422
COUNTY : WAYNE	NC	235	281	327	407	449
COUNTY : WILKES	NC	219	264	309	386	422
COUNTY : WILSON	NC	203	247	287	359	394
COUNTY : YANCEY	NC	219	264	309	386	422
REGION - 4 JACKSON, MISSISSIPPI OFFICE						
MSA : BILOXI-GULFPORT, MS		245	321	368	476	497
MSA : JACKSON, MS		258	311	387	482	530
MSA : MEMPHIS, TN-AR-MS		234	283	331	433	468
MSA : PASCAGOULA, MS		244	320	367	474	507
COUNTY : ADAMS	MS	205	239	281	371	403
COUNTY : ALCORN	MS	232	273	320	405	446
COUNTY : AMITE	MS	205	239	281	371	403
COUNTY : ATTALA	MS	222	248	294	379	410
COUNTY : BENTON	MS	204	245	281	348	388
COUNTY : BOLIVAR	MS	223	243	295	371	405
COUNTY : CALHOUN	MS	223	270	312	389	454
COUNTY : CARROLL	MS	222	248	294	379	410
COUNTY : CHICKASAW	MS	232	273	320	405	446
COUNTY : CHOCTAW	MS	222	253	301	369	411
COUNTY : CLAIBORNE	MS	222	248	294	379	410
COUNTY : CLARKE	MS	223	270	314	391	433
COUNTY : CLAY	MS	222	253	301	369	411
COUNTY : COAHOMA	MS	226	273	318	395	436
COUNTY : COPIAH	MS	222	248	294	379	410
COUNTY : COVINGTON	MS	223	270	314	391	433
COUNTY : FORREST	MS	223	270	314	391	433
COUNTY : FRANKLIN	MS	205	239	281	371	403
COUNTY : GEORGE	MS	220	265	307	382	424
COUNTY : GREENE	MS	220	265	307	382	424
COUNTY : GRENADA	MS	222	248	294	379	410
COUNTY : HOLMES	MS	222	248	294	379	410
COUNTY : HUMPHREYS	MS	223	243	295	371	405
COUNTY : ISSAQUENA	MS	223	243	295	371	405
COUNTY : ITAWAMBA	MS	232	273	320	405	446
COUNTY : JASPER	MS	223	270	314	391	433
COUNTY : JEFFERSON	MS	205	239	281	371	403
COUNTY : JEFFERSON DA	MS	205	239	281	371	403
COUNTY : JONES	MS	223	270	314	391	433
COUNTY : KEMPER	MS	223	270	314	391	433
COUNTY : LAFAYETTE	MS	222	265	307	379	420
COUNTY : LAMAR	MS	223	270	314	391	433
COUNTY : LAUDERDALE	MS	244	309	351	467	488
COUNTY : LAWRENCE	MS	205	239	281	371	403
COUNTY : LEAKE	MS	223	270	314	391	433
COUNTY : LEE	MS	232	273	320	405	446
COUNTY : LEFLORE	MS	222	248	294	379	410
COUNTY : LINCOLN	MS	205	239	281	371	403
COUNTY : LOWNDES	MS	244	303	345	462	482
COUNTY : MARION	MS	193	235	277	341	382
COUNTY : MARSHALL	MS	222	265	307	379	420

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 JACKSON, MISSISSIPPI OFFICE						
COUNTY : MONROE	MS	232	273	320	405	446
COUNTY : MONTGOMERY	MS	222	253	301	369	411
COUNTY : NESHOBA	MS	223	270	314	391	433
COUNTY : NEWTON	MS	223	270	314	391	433
COUNTY : NOXUBEE	MS	208	254	300	369	411
COUNTY : OKTIBBEHA	MS	244	279	320	430	469
COUNTY : PANOLA	MS	222	265	307	379	420
COUNTY : PEARL RIVER	MS	197	238	284	389	449
COUNTY : PERRY	MS	223	270	314	391	433
COUNTY : PIKE	MS	205	239	281	371	403
COUNTY : PONTOTOC	MS	232	273	320	405	446
COUNTY : PRENTISS	MS	232	273	320	405	446
COUNTY : QUITMAN	MS	222	265	307	379	420
COUNTY : SCOTT	MS	223	270	314	391	433
COUNTY : SHARKEY	MS	223	243	295	371	405
COUNTY : SIMPSON	MS	222	248	294	379	410
COUNTY : SMITH	MS	223	270	314	391	433
COUNTY : STONE	MS	206	272	312	404	421
COUNTY : SUNFLOWER	MS	223	243	295	371	405
COUNTY : TALLAHATCHIE	MS	193	236	279	344	382
COUNTY : TATE	MS	222	265	307	379	420
COUNTY : TIPPAH	MS	232	273	320	405	446
COUNTY : TISHOMIGO	MS	232	273	320	405	446
COUNTY : TUNICA	MS	222	265	307	379	420
COUNTY : UNION	MS	232	273	320	405	446
COUNTY : WALTHALL	MS	205	239	281	371	403
COUNTY : WARREN	MS	244	297	356	436	464
COUNTY : WASHINGTON	MS	244	267	332	411	446
COUNTY : WAYNE	MS	223	270	314	391	433
COUNTY : WEBSTER	MS	222	253	301	369	411
COUNTY : WILKINSON	MS	195	239	281	347	386
COUNTY : WINSTON	MS	222	253	301	369	411
COUNTY : YALOBUSHA	MS	193	236	279	344	382
COUNTY : YAZOO	MS	222	248	294	379	410
REGION - 4 JACKSONVILLE, FLORIDA OFFICE						
MSA : FORT WALTON BEACH, FL		251	306	358	440	487
MSA : GAINESVILLE, FL		237	289	335	413	461
MSA : JACKSONVILLE, FL		274	327	387	482	534
MSA : OCALA, FL		241	294	342	420	468
MSA : PANAMA CITY, FL		241	294	342	420	468
MSA : PENSACOLA, FL		251	306	358	440	487
MSA : TALLAHASSEE, FL		234	286	332	409	456
COUNTY : BAKER	FL	225 (18)	270 (21)	320 (26)	402 (36)	447 (41)
COUNTY : CALHOUN	FL	241	294	342	420	468
COUNTY : COLUMBIA	FL	221	267	311	387	426
COUNTY : DIXIE	FL	241	294	342	420	468
COUNTY : FLAGLER	FL	232	281	329	404	451
COUNTY : FRANKLIN	FL	241	294	342	420	468
COUNTY : GILCHRIST	FL	241	294	342	420	468
COUNTY : GULF	FL	241	294	342	420	468
COUNTY : HAMILTON	FL	221	267	311	387	426
COUNTY : HOLMES	FL	241	294	342	420	468
COUNTY : JACKSON	FL	241	294	342	420	468
COUNTY : JEFFERSON	FL	241	294	342	420	468
COUNTY : LAFAYETTE	FL	221	267	311	387	426
COUNTY : LEVY	FL	241	294	342	420	468
COUNTY : LIBERTY	FL	241	294	342	420	468
COUNTY : MADISON	FL	241	294	342	420	468
COUNTY : PUTNAM	FL	241	294	342	420	468
COUNTY : SUWANNEE	FL	221	267	311	387	426
COUNTY : TAYLOR	FL	241	294	342	420	468
COUNTY : UNION	FL	221	267	311	387	426
COUNTY : WAKULLA	FL	198 (11)	242 (15)	283 (18)	351 (26)	392 (29)
COUNTY : WALTON	FL	251	306	358	440	487
COUNTY : WASHINGTON	FL	241	294	342	420	468
REGION - 4 ORLANDO, FLORIDA OFFICE						
MSA : DAYTONA BEACH, FL		232	281	329	404	451
MSA : FORT PIERCE, FL		237	289	335	413	461
MSA : MELBOURNE-TITUSVILLE-PALM BAY, FL		299	358	416	511	563
MSA : ORLANDO, FL		299	359	420	513	569
COUNTY : INDIAN RIVER	FL	248	303	368	436	468
COUNTY : LAKE	FL	232	281	329	404	451
COUNTY : OKEECHOBEE	FL	241	294	342	420	468
REGION - 4 LOUISVILLE, KENTUCKY OFFICE						
PMSA : CINCINNATI, OH-KY-IN		235	283	331	410	454
MSA : CLARKSVILLE-HOPKINSVILLE, TN-KY		261	326	386	474	531
MSA : EVANSVILLE, IN-KY		262	291	347	415	455
MSA : HUNTINGTON-ASHLAND, WV-KY-OH		233	277	323	398	441
MSA : LEXINGTON-FAYETTE, KY		245	296	359	454	512
MSA : LOUISVILLE, KY-IN		240	291	340	422	470
MSA : OWENSBORO, KY		257	307	361	446	491
COUNTY : ADAIR	KY	206	251	293	359	391
COUNTY : ALLEN	KY	206	251	293	359	391
COUNTY : ANDERSON	KY	245	296	344	423	469

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517
FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 LOUISVILLE, KENTUCKY OFFICE						
COUNTY : BALLARD	KY	195	238	281	347	388
COUNTY : BARREN	KY	206	251	293	359	391
COUNTY : BATH	KY	245	296	344	423	469
COUNTY : BELL	KY	206	251	293	359	391
COUNTY : BOYLE	KY	236	265	317	405	416
COUNTY : BRACKEN	KY	257	307	361	446	491
COUNTY : BREATHITT	KY	206	251	293	359	391
COUNTY : BRECKINRIDGE	KY	248	302	352	434	479
COUNTY : BUTLER	KY	206	251	293	359	391
COUNTY : CALDWELL	KY	211	257	304	374	415
COUNTY : CALLOWAY	KY	195	238	281	347	388
COUNTY : CARLISLE	KY	195	238	281	347	388
COUNTY : CARROLL	KY	257	307	361	446	491
COUNTY : CASEY	KY	169	204	236	295	321
COUNTY : CLAY	KY	206	251	293	359	391
COUNTY : CLINTON	KY	206	251	293	359	391
COUNTY : CRITTENDON	KY	211	257	304	374	415
COUNTY : CUMBERLAND	KY	206	251	293	359	391
COUNTY : EDMONSON	KY	206	251	293	359	391
COUNTY : ELLIOTT	KY	197	238	282	405	432
COUNTY : ESTILL	KY	245	296	344	423	469
COUNTY : FLEMING	KY	257	307	361	446	491
COUNTY : FLOYD	KY	176	219	254	319	353
COUNTY : FRANKLIN	KY	245	296	344	423	469
COUNTY : FULTON	KY	195	238	281	347	388
COUNTY : GALLATIN	KY	257	307	361	446	491
COUNTY : GARRARD	KY	169	204	236	295	321
COUNTY : GRANT	KY	257	307	361	446	491
COUNTY : GRAVES	KY	195	238	281	347	388
COUNTY : GRAYSON	KY	248	302	352	434	479
COUNTY : GREEN	KY	206	251	293	359	391
COUNTY : HANCOCK	KY	204	250	304	374	415
COUNTY : HARDIN	KY	248	302	352	434	479
COUNTY : HARLAN	KY	206	251	293	359	391
COUNTY : HARRISON	KY	245	296	360	445	489
COUNTY : HART	KY	248	302	352	434	479
COUNTY : HENRY	KY	248	302	352	434	479
COUNTY : HICKMAN	KY	195	238	281	347	388
COUNTY : HOPKINS	KY	204	250	304	374	415
COUNTY : JACKSON	KY	206	251	293	359	391
COUNTY : JOHNSON	KY	176	219	254	319	353
COUNTY : KNOTT	KY	206	251	293	359	391
COUNTY : KNOX	KY	206	251	293	359	391
COUNTY : LARUE	KY	248	302	352	434	479
COUNTY : LAUREL	KY	206	251	293	359	391
COUNTY : LAWRENCE	KY	197	238	282	405	432
COUNTY : LEE	KY	206	251	293	359	391
COUNTY : LESLIE	KY	206	251	293	359	391
COUNTY : LETCHER	KY	206	251	293	359	391
COUNTY : LEWIS	KY	257	307	361	446	491
COUNTY : LINCOLN	KY	169	204	236	295	321
COUNTY : LIVINGSTON	KY	195	238	281	347	388
COUNTY : LOGAN	KY	211	257	304	374	415
COUNTY : LYON	KY	211	257	304	374	415
COUNTY : MCCRACKEN	KY	221	259	305	375	419
COUNTY : MCCREARY	KY	206	251	293	359	391
COUNTY : MCLEAN	KY	204	250	304	374	415
COUNTY : MADISON	KY	245	296	360	445	489
COUNTY : MAGOFFIN	KY	206	251	293	359	391
COUNTY : MARION	KY	248	302	352	434	479
COUNTY : MARSHALL	KY	221	259	305	375	419
COUNTY : MARTIN	KY	176	219	254	319	353
COUNTY : MASON	KY	257	307	361	446	491
COUNTY : MEADE	KY	248	302	352	434	479
COUNTY : MENIFEE	KY	206	251	293	359	391
COUNTY : MERCER	KY	245	296	344	423	469
COUNTY : METCALFE	KY	206	251	293	359	391
COUNTY : MONROE	KY	206	251	293	359	391
COUNTY : MONTGOMERY	KY	245	296	360	445	489
COUNTY : MORGAN	KY	206	251	293	359	391
COUNTY : MUHLENBERG	KY	204	250	304	374	415
COUNTY : NELSON	KY	248	302	352	434	479
COUNTY : NICHOLAS	KY	245	296	344	423	469
COUNTY : OHIO	KY	204	250	292	361	398
COUNTY : OWEN	KY	257	307	361	446	491
COUNTY : OWSLEY	KY	206	251	293	359	391
COUNTY : PENDLETON	KY	257	307	361	446	491
COUNTY : PERRY	KY	206	251	293	359	391
COUNTY : PIKE	KY	206	251	293	359	391
COUNTY : POWELL	KY	206	251	293	371	391
COUNTY : PULASKI	KY	206	251	293	359	391
COUNTY : ROBERTSON	KY	257	307	361	446	491
COUNTY : ROCKCASTLE	KY	206	251	293	359	391
COUNTY : ROWAN	KY	176	219	254	319	353
COUNTY : RUSSELL	KY	169	204	236	295	321
COUNTY : SIMPSON	KY	206	251	293	359	391
COUNTY : SPENCER	KY	248	302	352	434	479
COUNTY : TAYLOR	KY	206	251	293	359	391
COUNTY : TODD	KY	229	279	326	402	449
COUNTY : TRIGG	KY	229	279	326	402	449
COUNTY : TRIMBLE	KY	248	302	352	434	479
COUNTY : UNION	KY	204	250	304	374	415

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 LOUISVILLE, KENTUCKY OFFICE						
COUNTY : WARREN	KY	206	251	293	359	391
COUNTY : WASHINGTON	KY	248	302	352	434	479
COUNTY : WAYNE	KY	206	251	293	359	391
COUNTY : WEBSTER	KY	204	250	304	374	415
COUNTY : WHITLEY	KY	206	251	293	371	391
COUNTY : WOLFE	KY	169	204	236	295	321
REGION - 4 KNOXVILLE, TENNESSEE OFFICE						
MSA : CHATTANOOGA, TN-GA		229	279	326	402	449
MSA : JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		239	287	334	410	453
MSA : KNOXVILLE, TN		239	287	339	446	481
COUNTY : BLEDSOE	TN	197	240	281	349	391
COUNTY : BRADLEY	TN	197	240	281	349	391
COUNTY : CAMPBELL	TN	207	261	292	373	408
COUNTY : CLAIBORNE	TN	207	261	292	373	408
COUNTY : COCKE	TN	207	261	292	373	408
COUNTY : CUMBERLAND	TN	207	261	292	373	408
COUNTY : FENTRESS	TN	183	227	266	331	366
COUNTY : GREENE	TN	227	274	320	396	440
COUNTY : GRUNDY	TN	197	240	281	349	391
COUNTY : HAMBLEN	TN	207	261	292	373	408
COUNTY : HANCOCK	TN	227	274	320	396	440
COUNTY : JOHNSON	TN	227	274	320	396	440
COUNTY : LOUDON	TN	207	261	292	373	408
COUNTY : MCMINN	TN	197	240	281	349	391
COUNTY : MEIGS	TN	197	240	281	349	391
COUNTY : MONROE	TN	207	261	292	373	408
COUNTY : MORGAN	TN	207	261	292	373	408
COUNTY : PICKETT	TN	207	255	292	379	419
COUNTY : POLK	TN	197	240	281	349	391
COUNTY : RHEA	TN	197	240	281	349	391
COUNTY : ROANE	TN	207	261	292	373	408
COUNTY : SCOTT	TN	183	227	266	331	366
REGION - 4 MEMPHIS, TENNESSEE OFFICE						
MSA : MEMPHIS, TN-AR-MS		234	283	331	433	468
COUNTY : BENTON	TN	210	254	301	369	411
COUNTY : CARROLL	TN	207	261	292	373	408
COUNTY : CHESTER	TN	207	261	292	373	408
COUNTY : CROCKETT	TN	207	261	292	373	408
COUNTY : DECATUR	TN	207	261	292	373	408
COUNTY : DYER	TN	207	261	292	373	408
COUNTY : FAYETTE	TN	207	255	286	366	402
COUNTY : GIBSON	TN	207	261	292	373	408
COUNTY : HARDEMAN	TN	207	255	286	366	402
COUNTY : HARDIN	TN	207	255	286	366	402
COUNTY : HAYWOOD	TN	207	261	292	373	408
COUNTY : HENDERSON	TN	207	261	292	373	408
COUNTY : HENRY	TN	207	261	292	373	408
COUNTY : LAKE	TN	195	238	281	347	388
COUNTY : LAUDERDALE	TN	207	261	292	373	408
COUNTY : MCNAIRY	TN	207	255	286	366	402
COUNTY : MADISON	TN	232	292	332	411	464
COUNTY : OBION	TN	207	255	286	366	402
COUNTY : WEAKLEY	TN	207	261	292	373	408
REGION - 4 NASHVILLE, TENNESSEE OFFICE						
MSA : CLARKSVILLE-HOPKINSVILLE, TN-KY		261	326	386	474	531
MSA : NASHVILLE, TN		267	332	391	479	536
COUNTY : BEDFORD	TN	213	267	303	373	419
COUNTY : CANNON	TN	207	255	292	379	419
COUNTY : CLAY	TN	174	214	253	316	351
COUNTY : COFFEE	TN	213	267	303	373	419
COUNTY : DE KALB	TN	207	255	292	379	419
COUNTY : FRANKLIN	TN	222	267	311	387	425
COUNTY : GILES	TN	213	267	303	373	419
COUNTY : HICKMAN	TN	213	267	303	373	419
COUNTY : HOUSTON	TN	210	254	301	369	411
COUNTY : HUMPHREYS	TN	229	279	326	402	449
COUNTY : JACKSON	TN	174	214	253	316	351
COUNTY : LAWRENCE	TN	213	267	303	373	419
COUNTY : LEWIS	TN	197	240	281	349	391
COUNTY : LINCOLN	TN	222	267	311	387	425
COUNTY : MACON	TN	207	255	292	379	419
COUNTY : MARSHALL	TN	213	267	303	373	419
COUNTY : MAURY	TN	213	267	303	373	419
COUNTY : MOORE	TN	213	267	303	373	419
COUNTY : OVERTON	TN	207	255	292	379	419
COUNTY : PERRY	TN	174	214	253	316	351
COUNTY : PUTNAM	TN	207	255	292	379	419
COUNTY : SMITH	TN	207	255	292	379	419
COUNTY : STEWART	TN	210	254	301	369	411
COUNTY : TROUSDALE	TN	207	255	292	379	419
COUNTY : VAN BUREN	TN	174	214	253	316	351
COUNTY : WARREN	TN	207	255	292	379	419
COUNTY : WAYNE	TN	207	255	286	366	402
COUNTY : WHITE	TN	207	255	292	379	419
REGION - 4 TAMPA, FLORIDA OFFICE						
MSA : BRADENTON, FL		301	361	419	516	572

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 4 TAMPA, FLORIDA OFFICE						
MSA : LAKELAND-WINTER HAVEN, FL		250	305	356	439	485
MSA : SARASOTA, FL		301	361	419	516	572
MSA : TAMPA-ST. PETERSBURG-CLEARWATER, FL		257	309	380	504	547
COUNTY : CITRUS	FL	250	305	356	439	485
COUNTY : DE SOTO	FL	277	333	386	475	525
COUNTY : HARDEE	FL	277	333	386	475	525
COUNTY : HIGHLANDS	FL	241	294	342	420	468
COUNTY : SUMTER	FL	232	281	329	404	451
REGION - 5 CHICAGO, ILLINOIS OFFICE						
PMSA : AURORA-ELGIN, IL		410	492	572	712	792
PMSA : CHICAGO, IL		372	448	521	644	718
MSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		265	320	375	464	514
PMSA : JOLIET, IL		384	462	537	666	742
MSA : KANKAKEE, IL		227	274	321	399	445
PMSA : LAKE COUNTY, IL		421	507	589	733	816
MSA : ROCKFORD, IL		255	316	381	460	521
COUNTY : CARROLL	IL	227	274	321	399	445
COUNTY : DE KALB	IL	255	308	360	446	496
COUNTY : JO DAVIESS	IL	205	251	292	365	406
COUNTY : LEE	IL	234	284	332	412	457
COUNTY : OGLE	IL	234	284	332	412	457
COUNTY : STEPHENSON	IL	234	284	332	412	457
COUNTY : WHITESIDE	IL	227	274	321	399	445
REGION - 5 CINCINNATI, OHIO OFFICE						
PMSA : CINCINNATI, OH-KY-IN		235	283	331	410	454
MSA : DAYTON-SPRINGFIELD, OH		251	303	355	439	488
PMSA : HAMILTON-MIDDLETOWN, OH		223	270	316	393	436
COUNTY : ADAMS	OH	225	271	317	394	438
COUNTY : BROWN	OH	225	271	317	394	438
COUNTY : CLINTON	OH	225	271	317	394	438
COUNTY : DARKE	OH	201	246	287	359	397
COUNTY : HIGHLAND	OH	225	271	317	394	438
COUNTY : PREBLE	OH	225	271	317	394	439
REGION - 5 CLEVELAND, OHIO OFFICE						
PMSA : AKRON, OH		260	314	367	455	506
MSA : CANTON, OH		237	285	336	413	458
PMSA : CLEVELAND, OH		248	299	352	437	482
PMSA : LORAIN-ELYRIA, OH		262	315	373	458	510
MSA : MANSFIELD, OH		226	277	321	395	439
MSA : STEUBENVILLE-WEIRTON, OH-WV		244	292	341	420	466
MSA : TOLEDO, OH		235	283	332	411	457
MSA : YOUNGSTOWN-WARREN, OH		227	274	321	399	445
COUNTY : ASHLAND	OH	214	261	307	380	420
COUNTY : ASHTABULA	OH	214	261	307	380	420
COUNTY : COLUMBIANA	OH	203	250	291	364	404
COUNTY : CRAWFORD	OH	219	264	308	387	427
COUNTY : DEFIANCE	OH	205	251	292	365	406
COUNTY : ERIE	OH	214	261	307	380	420
COUNTY : HANCOCK	OH	214	261	307	380	420
COUNTY : HARRISON	OH	200	249	290	361	404
COUNTY : HENRY	OH	214	261	307	380	420
COUNTY : HOLMES	OH	188	232	273	338	378
COUNTY : HURON	OH	214	261	307	380	420
COUNTY : OTTAWA	OH	221	267	313	387	430
COUNTY : PAULDING	OH	205	251	292	365	406
COUNTY : SANDUSKY	OH	214	261	307	380	420
COUNTY : SENECA	OH	214	261	307	380	420
COUNTY : TUSCARAWAS	OH	188	232	273	338	378
COUNTY : WAYNE	OH	237	285	336	413	458
COUNTY : WILLIAMS	OH	205	251	292	365	406
COUNTY : WYANDOT	OH	219	264	308	387	427
REGION - 5 COLUMBUS, OHIO OFFICE						
MSA : COLUMBUS, OH		237	288	339	418	462
MSA : DAYTON-SPRINGFIELD, OH		251	303	355	439	488
MSA : HUNTINGTON-ASHLAND, WV-KY-OH		233	277	323	398	441
MSA : LIMA, OH		247	286	342	421	459
MSA : PARKERSBURG-MARIETTA, WV-OH		245	295	341	419	465
MSA : WHEELING, WV-OH		247	296	342	419	466
COUNTY : ATHENS	OH	217	277	346	422	467
COUNTY : CHAMPAIGN	OH	197	237	280	349	386
COUNTY : COSHOCTON	OH	210	256	303	374	415
COUNTY : FAYETTE	OH	182	221	263	329	364
COUNTY : GALLIA	OH	187	232	273	338	378
COUNTY : GUERNSEY	OH	226	267	318	392	436
COUNTY : HARDIN	OH	205	251	292	365	406
COUNTY : HOCKING	OH	205	251	292	365	406
COUNTY : JACKSON	OH	182	221	263	329	364
COUNTY : KNOX	OH	219	264	308	387	427
COUNTY : LOGAN	OH	201	246	287	359	397
COUNTY : MARION	OH	182	221	263	329	364
COUNTY : MEIGS	OH	151	186	223	276	311
COUNTY : MERCER	OH	205	251	292	365	406

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 COLUMBUS, OHIO OFFICE						
COUNTY : MONROE	OH	168	205	246	308	339
COUNTY : MORGAN	OH	205	251	292	365	406
COUNTY : MORROW	OH	219	264	308	387	427
COUNTY : MUSKINGUM	OH	231	277	326	403	448
COUNTY : NOBLE	OH	205	251	292	365	406
COUNTY : PERRY	OH	200	245	286	356	392
COUNTY : PIKE	OH	209	246	295	356	389
COUNTY : PUTNAM	OH	219	255	306	376	409
COUNTY : ROSS	OH	182	221	263	329	364
COUNTY : SCIOTO	OH	208	243	291	350	385
COUNTY : SHELBY	OH	214	250	303	380	409
COUNTY : VAN WERT	OH	236	274	328	405	439
COUNTY : VINTON	OH	182	221	263	329	364
REGION - 5 DETROIT, MICHIGAN OFFICE						
PMSA : ANN ARBOR, MI		319	386	448	553	614
PMSA : DETROIT, MI		287	345	403	502	557
COUNTY : LENAWEE	MI	236	285	334	413	459
REGION - 5 FLINT, MICHIGAN OFFICE						
MSA : FLINT, MI		272	326	380	471	522
MSA : SAGINAW-BAY CITY-MIDLAND, MI		252	302	356	441	488
COUNTY : ALCONA	MI	234	284	332	412	457
COUNTY : ALPENA	MI	234	284	332	412	457
COUNTY : ARENAC	MI	234	284	332	412	457
COUNTY : GLADWIN	MI	234	284	332	412	457
COUNTY : HURON	MI	234	284	332	412	457
COUNTY : IOSCO	MI	234	284	332	412	457
COUNTY : MONTMORENCY	MI	234	284	332	412	457
COUNTY : OGEMAW	MI	234	284	350	412	457
COUNTY : OSCODA	MI	234	284	332	412	457
COUNTY : PRESQUE ISLE	MI	234	284	332	412	457
COUNTY : SANILAC	MI	234	284	332	412	457
COUNTY : SHIAWASSEE	MI	254	305	355	440	487
COUNTY : TUSCOLA	MI	234	284	332	412	457
REGION - 5 GRAND RAPIDS, MICHIGAN OFFICE						
MSA : BATTLE CREEK, MI		233	283	331	408	453
MSA : BENTON HARBOR, MI		237	286	337	415	461
MSA : GRAND RAPIDS, MI		229	276	340	400	444
MSA : JACKSON, MI		233	283	331	408	453
MSA : KALAMAZOO, MI		280	336	395	485	540
MSA : LANSING-EAST LANSING, MI		293	352	412	511	566
MSA : MUSKEGON, MI		221	265	309	384	422
COUNTY : ALGER	MI	208	252	298	368	412
COUNTY : ALLEGAN	MI	208	252	298	368	412
COUNTY : ANTRIM	MI	208	252	298	368	412
COUNTY : BARAGA	MI	208	252	298	368	412
COUNTY : BARRY	MI	238	289	338	416	463
COUNTY : BENZIE	MI	208	252	298	368	412
COUNTY : BRANCH	MI	233	283	331	408	453
COUNTY : CASS	MI	237	286	337	415	461
COUNTY : CHARLEVOIX	MI	208	252	298	368	412
COUNTY : CHEBOYGAN	MI	234	284	332	412	457
COUNTY : CHIPPEWA	MI	234	284	350	412	457
COUNTY : CLARE	MI	234	284	350	412	457
COUNTY : CRAWFORD	MI	234	284	350	412	457
COUNTY : DELTA	MI	228	266	340	403	447
COUNTY : DICKINSON	MI	228	266	340	403	447
COUNTY : EMMET	MI	208	252	298	368	412
COUNTY : GOGEBIC	MI	234	285	317	387	424
COUNTY : GRD TRAVERSE	MI	283	320	363	453	539
COUNTY : GRATIOT	MI	234	284	332	412	457
COUNTY : HILLSDALE	MI	233	283	331	408	453
COUNTY : HOUGHTON	MI	228	266	340	403	447
COUNTY : IONIA	MI	250 (5)	301 (8)	355 (11)	442 (15)	493 (21)
COUNTY : IRON	MI	228	266	340	403	447
COUNTY : ISABELLA	MI	234	284	332	412	457
COUNTY : KALKASKA	MI	208	252	298	368	412
COUNTY : KEWEENAW	MI	208	252	298	368	412
COUNTY : LAKE	MI	228	266	340	403	447
COUNTY : LEELANAU	MI	208	252	298	368	412
COUNTY : LUCE	MI	234	284	332	412	457
COUNTY : MACKINAC	MI	234	284	350	412	457
COUNTY : MANISTEE	MI	228	266	340	403	447
COUNTY : MARQUETTE	MI	228	266	340	403	447
COUNTY : MASON	MI	228	266	340	403	447
COUNTY : MECOSTA	MI	208	252	298	368	412
COUNTY : MENOMINEE	MI	208	252	298	368	412
COUNTY : MISSAUKEE	MI	228	266	340	403	447
COUNTY : MONTCALM	MI	208	252	298	368	412
COUNTY : NEWAYGO	MI	208	252	298	368	412
COUNTY : OCEANA	MI	224	267	311	387	427
COUNTY : ONTONAGON	MI	234	285	317	387	424
COUNTY : OSCEOLA	MI	228	266	340	403	447
COUNTY : OTSEWO	MI	234	284	350	412	457
COUNTY : ROSCOMMON	MI	234	284	350	412	457
COUNTY : ST JOSEPH	MI	237	286	337	415	461

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 GRAND RAPIDS, MICHIGAN OFFICE						
COUNTY : SCHOOLCRAFT	MI	208	252	298	368	412
COUNTY : VAN BUREN	MI	251	303	356	436	484
COUNTY : WEXFORD	MI	228	266	340	403	447
REGION - 5 INDIANAPOLIS, INDIANA OFFICE						
MSA : ANDERSON, IN		226	272	319	394	440
MSA : BLOOMINGTON, IN		243	292	344	424	473
PMSA : CINCINNATI, OH-KY-IN		235	283	331	410	454
MSA : ELKHART-GOSHEN, IN		247	297	346	427	476
MSA : EVANSVILLE, IN-KY		262	291	347	415	455
MSA : FORT WAYNE, IN		262	314	367	460	510
PMSA : GARY-HAMMOND, IN		252	303	353	437	484
MSA : INDIANAPOLIS, IN		243	295	344	427	474
MSA : KOKOMO, IN		243	292	344	424	473
MSA : LAFAYETTE, IN		233	285	336	413	463
MSA : LOUISVILLE, KY-IN		240	291	340	422	470
MSA : MUNCIE, IN		226	272	319	394	440
MSA : SOUTH BEND-MISHAWAKA, IN		256	309	361	448	498
MSA : TERRE HAUTE, IN		232	282	330	409	454
COUNTY : ADAMS	IN	231	279	324	407	451
COUNTY : BARTHOLOMEW	IN	243	292	344	424	473
COUNTY : BENTON	IN	255	308	360	446	496
COUNTY : BLACKFORD	IN	226	272	319	394	440
COUNTY : BROWN	IN	243	292	344	424	473
COUNTY : CARROLL	IN	255	308	360	446	496
COUNTY : CASS	IN	243	292	344	424	473
COUNTY : CLINTON	IN	255	308	360	446	496
COUNTY : CRAWFORD	IN	217	262	310	382	423
COUNTY : DAVIESS	IN	261	290	346	414	453
COUNTY : DECATUR	IN	243	292	344	424	473
COUNTY : DUBOIS	IN	261	290	346	414	453
COUNTY : FAYETTE	IN	225	271	317	394	438
COUNTY : FOUNTAIN	IN	255	308	360	446	496
COUNTY : FRANKLIN	IN	225	271	317	394	438
COUNTY : FULTON	IN	237	286	337	415	461
COUNTY : GIBSON	IN	247	274	328	391	428
COUNTY : GRANT	IN	226	272	319	394	440
COUNTY : GREENE	IN	234	284	332	412	457
COUNTY : HENRY	IN	226	272	319	394	440
COUNTY : HUNTINGTON	IN	205	251	292	365	406
COUNTY : JACKSON	IN	243	292	344	424	473
COUNTY : JASPER	IN	227	274	321	399	445
COUNTY : JAY	IN	226	272	319	394	440
COUNTY : JEFFERSON	IN	217	262	310	382	423
COUNTY : JENNINGS	IN	243	292	344	424	473
COUNTY : KNOX	IN	221	265	308	382	420
COUNTY : KOSCIUSKO	IN	237	286	337	415	461
COUNTY : LAGRANGE	IN	237	286	337	415	461
COUNTY : LA PORTE	IN	227	274	321	399	445
COUNTY : LAWRENCE	IN	243	292	344	424	473
COUNTY : MARSHALL	IN	251	303	355	439	488
COUNTY : MARTIN	IN	261	290	346	414	453
COUNTY : MIAMI	IN	243	292	344	424	473
COUNTY : MONTGOMERY	IN	255	308	360	446	496
COUNTY : NEWTON	IN	227	274	321	399	445
COUNTY : NOBLE	IN	205	251	292	365	406
COUNTY : OHIO	IN	225	271	317	394	438
COUNTY : ORANGE	IN	217	262	310	382	423
COUNTY : OWEN	IN	243	292	344	424	473
COUNTY : PARKE	IN	234	284	332	412	457
COUNTY : PERRY	IN	261	290	346	414	453
COUNTY : PIKE	IN	261	290	346	414	453
COUNTY : PULASKI	IN	227	274	321	399	445
COUNTY : PUTNAM	IN	243	292	344	424	473
COUNTY : RANDOLPH	IN	226	272	319	394	440
COUNTY : RIPLEY	IN	225	271	317	394	438
COUNTY : RUSH	IN	243	292	344	424	473
COUNTY : SCOTT	IN	217	262	310	382	423
COUNTY : SPENCER	IN	261	290	346	414	453
COUNTY : STARKE	IN	227	274	321	399	445
COUNTY : STEUBEN	IN	205	251	292	365	406
COUNTY : SULLIVAN	IN	239	291	340	421	467
COUNTY : SWITZERLAND	IN	225	271	317	394	438
COUNTY : UNION	IN	225	271	317	394	438
COUNTY : VERMILLION	IN	229	277	324	403	446
COUNTY : WABASH	IN	205	251	292	365	406
COUNTY : WARREN	IN	255	308	360	446	496
COUNTY : WASHINGTON	IN	217	262	310	382	423
COUNTY : WAYNE	IN	226	272	319	394	440
COUNTY : WELLS	IN	233	280	327	409	455
COUNTY : WHITE	IN	255	308	360	446	496
REGION - 5 MILWAUKEE, WISCONSIN OFFICE						
MSA : APPLETON-OSHKOSH-NEENAH, WI		246	298	347	429	476
MSA : DULUTH, MN-WI		270	307	366	441	480
MSA : EAU CLAIRE, WI		220	265	311	388	430
MSA : GREEN BAY, WI		246	297	354	430	480
MSA : JANESVILLE-BELOIT, WI		234	284	332	412	457

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 MILWAUKEE, WISCONSIN OFFICE							
PMSA : KENOSHA, WI			260	312	368	453	503
MSA : LA CROSSE, WI			207	250	295	368	408
MSA : MADISON, WI			279	340	395	487	548
PMSA : MILWAUKEE, WI			291	346	408	509	562
MSA : MINNEAPOLIS-ST. PAUL, MN-WI			328	388	451	554	611
PMSA : RACINE, WI			258	310	365	449	500
MSA : SHEBOYGAN, WI			219	264	308	387	427
MSA : WAUSAU, WI			229	277	326	404	450
COUNTY : ADAMS		WI	219	264	308	387	427
COUNTY : ASHLAND		WI	188	232	273	338	378
COUNTY : BARRON		WI	220	265	311	388	430
COUNTY : BAYFIELD		WI	205	251	290	364	403
COUNTY : BUFFALO		WI	207	250	295	368	408
COUNTY : BURNETT		WI	220	265	311	388	430
COUNTY : CLARK		WI	229	277	326	404	450
COUNTY : COLUMBIA		WI	219	264	308	387	427
COUNTY : CRAWFORD		WI	205	251	292	365	406
COUNTY : DODGE		WI	219	264	308	387	427
COUNTY : DOOR		WI	226	272	319	394	440
COUNTY : DUNN		WI	220	265	311	388	430
COUNTY : FLORENCE		WI	208	252	298	368	412
COUNTY : FOND DU LAC		WI	249	302	351	438	483
COUNTY : FOREST		WI	208	252	298	368	412
COUNTY : GRANT		WI	205	251	292	365	406
COUNTY : GREEN		WI	234	284	332	412	457
COUNTY : GREEN LAKE		WI	219	264	308	387	427
COUNTY : IOWA		WI	219	264	308	387	427
COUNTY : IRON		WI	188	232	273	338	378
COUNTY : JACKSON		WI	207	250	295	368	408
COUNTY : JEFFERSON		WI	219	264	308	387	427
COUNTY : JUNEAU		WI	207	250	295	368	408
COUNTY : KEWAUNEE		WI	226	272	319	394	440
COUNTY : LAFAYETTE		WI	205	251	292	365	406
COUNTY : LANGLADE		WI	229	277	326	404	450
COUNTY : LINCOLN		WI	229	277	326	404	450
COUNTY : MANITOWOC		WI	226	272	319	394	440
COUNTY : MARINETTE		WI	220	265	311	388	430
COUNTY : MARQUETTE		WI	219	264	308	387	427
COUNTY : MENOMINEE		WI	208	252	298	368	412
COUNTY : MONROE		WI	207	250	295	368	408
COUNTY : OCONTO		WI	208	252	298	368	412
COUNTY : ONEIDA		WI	229	277	326	404	450
COUNTY : PEPIN		WI	188	232	273	338	378
COUNTY : PIERCE		WI	220	265	311	388	430
COUNTY : POLK		WI	220	265	311	388	430
COUNTY : PORTAGE		WI	229	277	326	404	450
COUNTY : PRICE		WI	229	277	326	404	450
COUNTY : RICHLAND		WI	219	264	308	387	427
COUNTY : RUSK		WI	188	232	273	338	378
COUNTY : SAUK		WI	219	264	308	387	427
COUNTY : SAWYER		WI	220	265	311	388	430
COUNTY : SHAWANO		WI	208	252	298	368	412
COUNTY : TAYLOR		WI	229	277	326	404	450
COUNTY : TREMPEALEAU		WI	207	250	295	368	408
COUNTY : VERNON		WI	207	250	295	368	408
COUNTY : VILAS		WI	229	277	326	404	450
COUNTY : WALWORTH		WI	219	264	308	387	427
COUNTY : WASHBURN		WI	188	232	273	338	378
COUNTY : WAUPACA		WI	208	252	298	368	412
COUNTY : WAUSHARA		WI	219	264	308	387	427
COUNTY : WOOD		WI	239	290	341	424	474
REGION - 5 MINNEAPOLIS-ST. PAUL, MINNESOTA OFFICE							
MSA : DULUTH, MN-WI			270	307	366	441	480
MSA : FARGO-MOORHEAD, ND-MN			255	290	373	460	485
MSA : MINNEAPOLIS-ST. PAUL, MN-WI			328	388	451	554	611
MSA : ROCHESTER, MN			284	340	392	484	561
MSA : ST. CLOUD, MN			273	330	382	472	522
COUNTY : AITKIN		MN	211	254	302	373	415
COUNTY : BECKER		MN	220	265	311	388	430
COUNTY : BELTRAMI		MN	229	277	321	398	445
COUNTY : BIG STONE		MN	211	254	302	373	415
COUNTY : BLUE EARTH		MN	273	330	382	472	522
COUNTY : BROWN		MN	247	300	349	431	480
COUNTY : CARLTON		MN	247	300	349	431	480
COUNTY : CASS		MN	229	277	321	398	445
COUNTY : CHIPPEWA		MN	211	254	302	373	415
COUNTY : CLEARWATER		MN	220	265	311	388	430
COUNTY : COOK		MN	205	251	292	364	405
COUNTY : COTTONWOOD		MN	211	254	302	373	415
COUNTY : CROW WING		MN	247	300	349	431	480
COUNTY : DODGE		MN	247	300	349	431	480
COUNTY : DOUGLAS		MN	229	277	321	398	445
COUNTY : FARIBAULT		MN	247	300	349	431	480
COUNTY : FILLMORE		MN	247	300	349	431	480
COUNTY : FREEBORN		MN	247	300	349	431	480
COUNTY : GOODHUE		MN	229	277	321	398	445
COUNTY : GRANT		MN	195	235	280	346	388
COUNTY : HOUSTON		MN	207	250	295	368	408
COUNTY : HUBBARD		MN	211	254	302	373	415

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 MINNEAPOLIS-ST. PAUL, MINNESOTA OFFICE						
COUNTY : ITASCA	MN	247	300	349	431	480
COUNTY : JACKSON	MN	225	271	317	394	438
COUNTY : KANABEC	MN	220	265	311	388	430
COUNTY : KANDIYOHI	MN	229	277	321	398	445
COUNTY : KITTSON	MN	220	265	311	388	430
COUNTY : KOOCHICHING	MN	205	251	292	364	405
COUNTY : LAC QUI PARL	MN	211	254	302	373	415
COUNTY : LAKE	MN	205	251	292	364	405
COUNTY : LAKE OF WOOD	MN	211	254	302	373	415
COUNTY : LE SUEUR	MN	247	300	349	431	480
COUNTY : LINCOLN	MN	225	271	317	394	438
COUNTY : LYON	MN	225	271	317	394	438
COUNTY : MCLEOD	MN	247	300	349	431	480
COUNTY : MAHNOMEN	MN	220	265	311	388	430
COUNTY : MARSHALL	MN	220	265	311	388	430
COUNTY : MARTIN	MN	229	277	321	398	445
COUNTY : MEEKER	MN	229	277	321	398	445
COUNTY : MILLE LACS	MN	220	265	311	388	430
COUNTY : MORRISON	MN	229	277	321	398	445
COUNTY : MOWER	MN	247	300	349	431	480
COUNTY : MURRAY	MN	225	271	317	394	438
COUNTY : NICOLLET	MN	247	300	349	431	480
COUNTY : NOBLES	MN	225	271	317	394	438
COUNTY : NORMAN	MN	220	265	311	388	430
COUNTY : OTTER TAIL	MN	220	265	311	388	430
COUNTY : PENNINGTON	MN	220	265	311	388	430
COUNTY : PINE	MN	220	265	311	388	430
COUNTY : PIPESTONE	MN	225	271	317	394	438
COUNTY : POLK	MN	233	277	329	411	440
COUNTY : POPE	MN	211	254	302	373	415
COUNTY : RED LAKE	MN	220	265	311	388	430
COUNTY : REDWOOD	MN	211	254	302	373	415
COUNTY : RENVILLE	MN	211	254	302	373	415
COUNTY : RICE	MN	247	300	349	431	480
COUNTY : ROCK	MN	225	271	317	394	438
COUNTY : ROSEAU	MN	220	265	311	388	430
COUNTY : SIBLEY	MN	247	300	349	431	480
COUNTY : STEELE	MN	247	300	349	431	480
COUNTY : STEVENS	MN	211	254	302	373	415
COUNTY : SWIFT	MN	211	254	302	373	415
COUNTY : TODD	MN	229	277	321	398	445
COUNTY : TRAVERSE	MN	195	235	280	346	388
COUNTY : WABASHA	MN	247	300	349	431	480
COUNTY : WADENA	MN	211	254	302	373	415
COUNTY : WASECA	MN	247	300	349	431	480
COUNTY : WATONWAN	MN	229	277	321	398	445
COUNTY : WILKIN	MN	220	265	311	388	430
COUNTY : WINONA	MN	227	274	320	399	445
COUNTY : YELLOW MEDIC	MN	211	254	302	373	415
REGION - 5 SPRINGFIELD, ILLINOIS OFFICE						
PMSA : ALTON-GRANITE CITY, IL		266	319	369	456	507
MSA : BLOOMINGTON-NORMAL, IL		234	284	332	412	457
MSA : CHAMPAIGN-URBANA-RANTOUL, IL		257	309	364	450	500
MSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		265	320	375	464	514
MSA : DECATUR, IL		244	293	346	427	476
PMSA : EAST ST. LOUIS-BELLEVILLE, IL		272	327	377	466	519
MSA : PEORIA, IL		265	320	375	464	514
PMSA : ST. LOUIS, MO-IL		277	333	385	473	527
MSA : SPRINGFIELD, IL		244	293	346	427	476
COUNTY : ADAMS	IL	207	250	295	368	408
COUNTY : ALEXANDER	IL	169	208	247	309	342
COUNTY : BOND	IL	187	230	272	336	376
COUNTY : BROWN	IL	207	250	295	368	408
COUNTY : BUREAU	IL	227	274	321	399	445
COUNTY : CALHOUN	IL	187	230	272	336	376
COUNTY : CASS	IL	244	293	346	427	476
COUNTY : CHRISTIAN	IL	244	293	346	427	476
COUNTY : CLARK	IL	234	284	332	412	457
COUNTY : CLAY	IL	187	230	272	336	376
COUNTY : COLES	IL	257	309	364	450	500
COUNTY : CRAWFORD	IL	234	284	332	412	457
COUNTY : CUMBERLAND	IL	257	309	364	450	500
COUNTY : DE WITT	IL	244	293	346	427	476
COUNTY : DOUGLAS	IL	257	309	364	450	500
COUNTY : EDGAR	IL	257	309	364	450	500
COUNTY : EDWARDS	IL	173	214	252	313	353
COUNTY : EFFINGHAM	IL	187	230	272	336	376
COUNTY : FAYETTE	IL	187	230	272	336	376
COUNTY : FORD	IL	257	309	364	450	500
COUNTY : FRANKLIN	IL	197	237	284	349	390
COUNTY : FULTON	IL	234	284	332	412	457
COUNTY : GALLATIN	IL	173	214	252	313	353
COUNTY : GREENE	IL	187	230	272	336	376
COUNTY : HAMILTON	IL	173	214	252	313	353
COUNTY : HANCOCK	IL	207	250	295	368	408
COUNTY : HARDIN	IL	169	208	247	309	342
COUNTY : HENDERSON	IL	207	250	295	368	408
COUNTY : IROQUOIS	IL	227	274	321	399	445
COUNTY : JACKSON	IL	228	290	363	448	525

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 5 SPRINGFIELD, ILLINOIS OFFICE						
COUNTY : JASPER	IL	187	230	272	336	376
COUNTY : JEFFERSON	IL	230	303	363	428	477
COUNTY : JOHNSON	IL	169	208	247	309	342
COUNTY : KNOX	IL	234	284	332	412	457
COUNTY : LA SALLE	IL	255	308	360	446	496
COUNTY : LAWRENCE	IL	173	214	252	313	353
COUNTY : LIVINGSTON	IL	255	308	360	446	496
COUNTY : LOGAN	IL	244	293	346	427	476
COUNTY : MCDONOUGH	IL	234	284	332	412	457
COUNTY : MACOUPIN	IL	187	230	272	336	376
COUNTY : MARION	IL	187	230	272	336	376
COUNTY : MARSHALL	IL	234	284	332	412	457
COUNTY : MASON	IL	244	293	346	427	476
COUNTY : MASSAC	IL	169	208	247	309	342
COUNTY : MERCER	IL	227	274	321	399	445
COUNTY : MONTGOMERY	IL	187	230	272	336	376
COUNTY : MORGAN	IL	244	293	346	427	476
COUNTY : MOULTRIE	IL	244	293	346	427	476
COUNTY : PERRY	IL	197	237	284	349	390
COUNTY : PIATT	IL	257	309	364	450	500
COUNTY : PIKE	IL	207	250	295	368	408
COUNTY : POPE	IL	169	208	247	309	342
COUNTY : PULASKI	IL	169	208	247	309	342
COUNTY : PUTNAM	IL	255	308	360	446	496
COUNTY : RANDOLPH	IL	197	237	284	349	390
COUNTY : RICHLAND	IL	187	230	272	336	376
COUNTY : SALINE	IL	173	214	252	313	353
COUNTY : SCHUYLER	IL	207	250	295	368	408
COUNTY : SCOTT	IL	244	293	346	427	476
COUNTY : SHELBY	IL	244	293	346	427	476
COUNTY : STARK	IL	234	284	332	412	457
COUNTY : UNION	IL	169	208	247	309	342
COUNTY : VERMILION	IL	257	309	364	450	500
COUNTY : WABASH	IL	173	214	252	313	353
COUNTY : WARREN	IL	234	284	332	412	457
COUNTY : WASHINGTON	IL	197	237	284	349	390
COUNTY : WAYNE	IL	187	230	272	336	376
COUNTY : WHITE	IL	173	214	252	313	353
COUNTY : WILLIAMSON	IL	197	237	284	349	390
REGION - 6 ALBUQUERQUE, NEW MEXICO OFFICE						
MSA : ALBUQUERQUE, NM		242	293	341	421	465
MSA : LAS CRUCES, NM		205	250	291	361	399
COUNTY : CATRON	NM	205	250	291	361	399
COUNTY : CHAVES	NM	205	250	291	361	399
COUNTY : COLFAX	NM	218	264	308	377	419
COUNTY : CURRY	NM	197	237	280	347	387
COUNTY : DE BACA	NM	197	237	280	347	387
COUNTY : EDDY	NM	205	250	291	361	399
COUNTY : GRANT	NM	205	250	291	361	399
COUNTY : GUADALUPE	NM	197	237	280	347	387
COUNTY : HARDING	NM	197	237	280	347	387
COUNTY : HIDALGO	NM	205	250	291	361	399
COUNTY : LEA	NM	205	250	291	361	399
COUNTY : LINCOLN	NM	205	250	291	361	399
COUNTY : LOS ALAMOS	NM	218	264	308	377	419
COUNTY : LUNA	NM	218	264	308	377	419
COUNTY : MCKINLEY	NM	218	264	308	377	419
COUNTY : MORA	NM	218	264	308	377	419
COUNTY : OTERO	NM	205	250	291	361	399
COUNTY : QUAY	NM	197	237	280	347	387
COUNTY : RIO ARRIBA	NM	218	264	308	377	419
COUNTY : ROOSEVELT	NM	197	237	280	347	387
COUNTY : SANDOVAL	NM	220	267	312	384	424
COUNTY : SAN JUAN	NM	241	292	340	420	464
COUNTY : SAN MIGUEL	NM	218	264	308	377	419
COUNTY : SANTE FE	NM	241	292	340	420	464
COUNTY : SIERRA	NM	205	250	291	361	399
COUNTY : SOCORRO	NM	205	250	291	361	399
COUNTY : TAOS	NM	218	264	308	377	419
COUNTY : TORRANCE	NM	218	264	308	377	419
COUNTY : UNION	NM	197	237	280	347	387
COUNTY : VALENCIA	NM	218	264	308	377	419
REGION - 6 DALLAS, TEXAS OFFICE						
PMSA : DALLAS, TX		285	335	387	472	520
MSA : KILLEEN-TEMPLE, TX		235	280	330	409	451
MSA : LONGVIEW-MARSHALL, TX		191	235	277	341	381
MSA : SHERMAN-DENISON, TX		204	250	292	361	398
MSA : TEXARKANA, TX-TEXARKANA, AR		194	239	281	346	388
MSA : TYLER, TX		191	235	277	341	381
MSA : WACO, TX		235	280	330	409	451
COUNTY : ANDERSON	TX	191	235	277	341	381
COUNTY : CAMP	TX	167	206	244	303	334
COUNTY : CHEROKEE	TX	191	235	277	341	381
COUNTY : COOKE	TX	204	250	292	361	398
COUNTY : DELTA	TX	167	206	244	303	334
COUNTY : FALLS	TX	235	280	330	409	451

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 DALLAS, TEXAS OFFICE						
COUNTY : FANNIN	TX	204	250	292	361	398
COUNTY : FRANKLIN	TX	167	206	244	303	334
COUNTY : FREESTONE	TX	235	280	330	409	451
COUNTY : HENDERSON	TX	191	235	277	341	381
COUNTY : HILL	TX	235	280	330	409	451
COUNTY : HOPKINS	TX	204	250	292	361	398
COUNTY : HUNT	TX	220	263	309	376	417
COUNTY : LAMAR	TX	191	235	277	341	381
COUNTY : LIMESTONE	TX	235	280	330	409	451
COUNTY : MILAM	TX	219	264	309	386	422
COUNTY : NAVARRO	TX	204	250	292	361	398
COUNTY : RAINS	TX	204	250	292	361	398
COUNTY : RED RIVER	TX	167	206	244	303	334
COUNTY : RUSK	TX	191	235	277	341	381
COUNTY : TITUS	TX	176	219	254	319	352
COUNTY : UPSHUR	TX	191	235	277	341	381
COUNTY : VAN ZANDT	TX	204	250	292	361	398
COUNTY : WOOD	TX	191	235	277	341	381
REGION - 6 FORT WORTH, TEXAS OFFICE						
MSA : ABILENE, TX		214	262	309	383	427
PMSA : FORT WORTH-ARLINGTON, TX		269	319	367	448	492
MSA : SAN ANGELO, TX		208	254	300	371	414
MSA : WICHITA FALLS, TX		231	281	329	405	453
COUNTY : ARCHER	TX	229	279	326	402	449
COUNTY : BAYLOR	TX	229	279	326	402	449
COUNTY : BOSQUE	TX	235	280	330	409	451
COUNTY : BROWN	TX	208	254	300	371	414
COUNTY : CALLAHAN	TX	171 (15)	209 (18)	247 (21)	308 (29)	344 (32)
COUNTY : CLAY	TX	188 (6)	230 (7)	270 (9)	334 (13)	375 (17)
COUNTY : COKE	TX	208	254	300	371	414
COUNTY : COLEMAN	TX	208	254	300	371	414
COUNTY : COMANCHE	TX	208	254	300	371	414
COUNTY : CONCHO	TX	208	254	300	371	414
COUNTY : CROCKETT	TX	222	268	311	389	430
COUNTY : EASTLAND	TX	208	254	300	371	414
COUNTY : ERATH	TX	204	250	292	361	398
COUNTY : FOARD	TX	229	279	326	402	449
COUNTY : HAMILTON	TX	235	280	330	409	451
COUNTY : HARDEMAN	TX	229	279	326	402	449
COUNTY : HASKELL	TX	208	254	300	371	414
COUNTY : HOOD	TX	294	347	401	491	540
COUNTY : IRION	TX	208	254	300	371	414
COUNTY : JACK	TX	229	279	326	402	449
COUNTY : JONES	TX	171 (33)	209 (40)	247 (47)	308 (60)	344 (68)
COUNTY : KIMBLE	TX	208	254	300	371	414
COUNTY : KNOX	TX	208	254	300	371	414
COUNTY : LAMPASAS	TX	235	280	330	409	451
COUNTY : MCCULLOCH	TX	208	254	300	371	414
COUNTY : MASON	TX	208	254	300	371	414
COUNTY : MENARD	TX	208	254	300	371	414
COUNTY : MILLS	TX	208	254	300	371	414
COUNTY : MONTAGUE	TX	204	250	292	361	398
COUNTY : PALO PINTO	TX	204	250	292	361	398
COUNTY : REAGAN	TX	222	268	311	389	430
COUNTY : RUNNELS	TX	208	254	300	371	414
COUNTY : SAN SABA	TX	208	254	300	371	414
COUNTY : SCHLEICHER	TX	208	254	300	371	414
COUNTY : SHACKLEFORD	TX	208	254	300	371	414
COUNTY : SOMERVELL	TX	204	250	292	361	398
COUNTY : STEPHENS	TX	208	254	300	371	414
COUNTY : STERLING	TX	208	254	300	371	414
COUNTY : SUTTON	TX	208	254	300	371	414
COUNTY : THROCKMORTON	TX	229	279	326	402	449
COUNTY : WILBARGER	TX	229	279	326	402	449
COUNTY : WISE	TX	236 (54)	281 (66)	326 (76)	403 (97)	444 (**)
COUNTY : YOUNG	TX	229	279	326	402	449
REGION - 6 HOUSTON, TEXAS OFFICE						
MSA : BEAUMONT-PORT ARTHUR, TX		233	280	325	402	447
PMSA : BRAZORIA, TX		270	326	381	473	522
MSA : BRYAN-COLLEGE STATION, TX		273	309	361	444	490
PMSA : GALVESTON-TEXAS CITY, TX		243	294	348	431	475
PMSA : HOUSTON, TX		266	321	375	465	513
COUNTY : ANGELINA	TX	217	261	309	379	420
COUNTY : AUSTIN	TX	217	261	309	379	420
COUNTY : BURLESON	TX	219	264	309	386	422
COUNTY : CHAMBERS	TX	217	261	309	379	420
COUNTY : COLORADO	TX	217	261	309	379	420
COUNTY : GRIMES	TX	219	264	309	386	422
COUNTY : HOUSTON	TX	191	235	277	341	381
COUNTY : JASPER	TX	217	261	309	379	420
COUNTY : LEON	TX	219	264	309	386	422
COUNTY : MADISON	TX	219	264	309	386	422
COUNTY : MATAGORDA	TX	227	273	317	395	436
COUNTY : NACOGDOCHES	TX	191	235	277	341	381
COUNTY : NEWTON	TX	217	261	309	379	420
COUNTY : POLK	TX	217	261	309	379	420
COUNTY : ROBERTSON	TX	219	264	309	386	422
COUNTY : SABINE	TX	182	220	257	320	356

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 HOUSTON, TEXAS OFFICE						
COUNTY : SAN AUGUSTIN	TX	182	220	257	320	356
COUNTY : SAN JACINTO	TX	217	261	309	379	420
COUNTY : SHELBY	TX	182	220	257	320	356
COUNTY : TRINITY	TX	191	235	277	341	381
COUNTY : TYLER	TX	217	261	309	379	420
COUNTY : WALKER	TX	227	273	317	395	436
COUNTY : WASHINGTON	TX	217	261	309	379	420
COUNTY : WHARTON	TX	217	261	309	379	420
REGION - 6 LITTLE ROCK, ARKANSAS OFFICE						
MSA : FAYETTEVILLE-SPRINGDALE, AR		233	280	327	401	448
MSA : FORT SMITH, AR-OK		214	259	308	374	417
MSA : LITTLE ROCK-NORTH LITTLE ROCK, AR		217	263	306	380	419
MSA : MEMPHIS, TN-AR-MS		234	283	331	433	468
MSA : PINE BLUFF, AR		197	240	281	349	391
MSA : TEXARKANA, TX-TEXARKANA, AR		194	239	281	346	388
COUNTY : ARKANSAS	AR	197	240	281	349	391
COUNTY : ASHLEY	AR	178	220	257	320	356
COUNTY : BAXTER	AR	207	252	299	366	409
COUNTY : BENTON	AR	229	276	322	395	441
COUNTY : BOONE	AR	207	252	299	366	409
COUNTY : BRADLEY	AR	178	220	257	320	356
COUNTY : CALHOUN	AR	186	229	267	334	371
COUNTY : CARROLL	AR	207	252	299	366	409
COUNTY : CHICOT	AR	178	220	257	320	356
COUNTY : CLARK	AR	174	214	253	316	351
COUNTY : CLAY	AR	195	238	281	347	388
COUNTY : CLEBURNE	AR	191	234	273	339	380
COUNTY : CLEVELAND	AR	197	240	281	349	391
COUNTY : COLUMBIA	AR	186	229	267	334	371
COUNTY : CONWAY	AR	174	214	253	316	351
COUNTY : CRAIGHEAD	AR	215	261	310	379	425
COUNTY : CROSS	AR	195	238	281	347	388
COUNTY : DALLAS	AR	186	229	267	334	371
COUNTY : DESHA	AR	178	220	257	320	356
COUNTY : DREW	AR	178	220	257	320	356
COUNTY : FRANKLIN	AR	176	219	254	319	353
COUNTY : FULTON	AR	191	234	273	339	380
COUNTY : GARLAND	AR	174	214	253	316	351
COUNTY : GRANT	AR	197	240	281	349	391
COUNTY : GREENE	AR	195	238	281	347	388
COUNTY : HEMPSTEAD	AR	186	229	267	334	371
COUNTY : HOTSPRING	AR	174	214	253	316	351
COUNTY : HOWARD	AR	186	229	267	334	371
COUNTY : INDEPENDENCE	AR	191	234	273	339	380
COUNTY : IZARD	AR	191	234	273	339	380
COUNTY : JACKSON	AR	197	240	281	349	391
COUNTY : JOHNSON	AR	174	214	253	316	351
COUNTY : LAFAYETTE	AR	186	229	267	334	371
COUNTY : LAWRENCE	AR	195	238	281	347	388
COUNTY : LEE	AR	195	238	281	347	388
COUNTY : LINCOLN	AR	197	240	281	349	391
COUNTY : LITTLE RIVER	AR	156 (5)	193 (6)	228 (7)	282 (10)	317 (13)
COUNTY : LOGAN	AR	176	219	254	319	353
COUNTY : MADISON	AR	204	250	292	361	398
COUNTY : MARION	AR	207	252	299	366	409
COUNTY : MISSISSIPPI	AR	195	238	281	347	388
COUNTY : MONROE	AR	197	240	281	349	391
COUNTY : MONTGOMERY	AR	174	214	253	316	351
COUNTY : NEVADA	AR	186	229	267	334	371
COUNTY : NEWTON	AR	207	252	299	366	409
COUNTY : OUACHITA	AR	178	220	257	320	356
COUNTY : PERRY	AR	174	214	253	316	351
COUNTY : PHILLIPS	AR	195	238	281	347	388
COUNTY : PIKE	AR	174	214	253	316	351
COUNTY : POINSETT	AR	195	238	281	347	388
COUNTY : POLK	AR	176	219	254	319	353
COUNTY : POPE	AR	174	214	253	316	351
COUNTY : PRAIRIE	AR	197	240	281	349	391
COUNTY : RANDOLPH	AR	195	238	281	347	388
COUNTY : ST FRANCIS	AR	195	238	281	347	388
COUNTY : SCOTT	AR	176	219	254	319	353
COUNTY : SEARCY	AR	207	252	299	366	409
COUNTY : SEVIER	AR	186	229	267	334	371
COUNTY : SHARP	AR	191	234	273	339	380
COUNTY : STONE	AR	191	234	273	339	380
COUNTY : UNION	AR	186	229	267	334	371
COUNTY : VAN BUREN	AR	191	234	273	339	380
COUNTY : WHITE	AR	197	240	281	349	391
COUNTY : WOODRUFF	AR	197	240	281	349	391
COUNTY : YELL	AR	176	219	254	319	353
REGION - 6 LUBBOCK, TEXAS OFFICE						
MSA : AMARILLO, TX		203	247	287	359	394
MSA : EL PASO, TX		245	296	344	423	468
MSA : LUBBOCK, TX		208	254	300	371	414
MSA : MIDLAND, TX		222	268	311	389	430
MSA : ODESSA, TX		222	268	311	389	430

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 LUBBOCK, TEXAS OFFICE						
COUNTY : ANDREWS	TX	222	268	311	389	430
COUNTY : ARMSTRONG	TX	203	247	287	359	394
COUNTY : BAILEY	TX	208	254	300	371	414
COUNTY : BORDEN	TX	222	268	311	389	430
COUNTY : BREWSTER	TX	222	268	311	389	430
COUNTY : BRISCOE	TX	203	247	287	359	394
COUNTY : CARSON	TX	203	247	287	359	394
COUNTY : CASTRO	TX	203	247	287	359	394
COUNTY : CHILDRESS	TX	229	279	326	402	449
COUNTY : COCHRAN	TX	208	254	300	371	414
COUNTY : COLLINGSWORT	TX	203	247	287	359	394
COUNTY : COTTLE	TX	229	279	326	402	449
COUNTY : CRANE	TX	222	268	311	389	430
COUNTY : CROSBY	TX	208	254	300	371	414
COUNTY : CULBERSON	TX	207	252	299	366	409
COUNTY : DALLAM	TX	203	247	287	359	394
COUNTY : DAWSON	TX	222	268	311	389	430
COUNTY : DEAF SMITH	TX	203	247	287	359	394
COUNTY : DICKENS	TX	208	254	300	371	414
COUNTY : DONLEY	TX	203	247	287	359	394
COUNTY : FISHER	TX	208	254	300	371	414
COUNTY : FLOYD	TX	208	254	300	371	414
COUNTY : GAINES	TX	222	268	311	389	430
COUNTY : GARZA	TX	208	254	300	371	414
COUNTY : GLASSCOCK	TX	222	268	311	389	430
COUNTY : GRAY	TX	203	247	287	359	394
COUNTY : HALE	TX	208	254	300	371	414
COUNTY : HALL	TX	203	247	287	359	394
COUNTY : HANSFORD	TX	203	247	287	359	394
COUNTY : HARTLEY	TX	203	247	287	359	394
COUNTY : HEMPHILL	TX	203	247	287	359	394
COUNTY : HOCKLEY	TX	191	235	277	341	381
COUNTY : HOWARD	TX	222	268	311	389	430
COUNTY : HUDSPETH	TX	207	252	299	366	409
COUNTY : HUTCHINSON	TX	203	247	287	359	394
COUNTY : JEFF DAVIS	TX	207	252	299	366	409
COUNTY : KENT	TX	208	254	300	371	414
COUNTY : KING	TX	208	254	300	371	414
COUNTY : LAMB	TX	208	254	300	371	414
COUNTY : LIPSCOMB	TX	203	247	287	359	394
COUNTY : LOVING	TX	222	268	311	389	430
COUNTY : LYNN	TX	208	254	300	371	414
COUNTY : MARTIN	TX	222	268	311	389	430
COUNTY : MITCHELL	TX	195	238	281	347	388
COUNTY : MOORE	TX	203	247	287	359	394
COUNTY : MOTLEY	TX	208	254	300	371	414
COUNTY : NOLAN	TX	208	254	300	371	414
COUNTY : OCHILTREE	TX	203	247	287	359	394
COUNTY : OLDHAM	TX	203	247	287	359	394
COUNTY : PARMER	TX	203	247	287	359	394
COUNTY : PECOS	TX	222	268	311	389	430
COUNTY : PRESIDIO	TX	207	252	299	366	409
COUNTY : REEVES	TX	222	268	311	389	430
COUNTY : ROBERTS	TX	203	247	287	359	394
COUNTY : SCURRY	TX	208	254	300	371	414
COUNTY : SHERMAN	TX	203	247	287	359	394
COUNTY : STONEWALL	TX	208	254	300	371	414
COUNTY : SWISHER	TX	203	247	287	359	394
COUNTY : TERRELL	TX	222	268	311	389	430
COUNTY : TERRY	TX	208	254	300	371	414
COUNTY : UPTON	TX	222	268	311	389	430
COUNTY : WARD	TX	222	268	311	389	430
COUNTY : WHEELER	TX	203	247	287	359	394
COUNTY : WINKLER	TX	222	268	311	389	430
COUNTY : YOAKUM	TX	208	254	300	371	414
REGION - 6 NEW ORLEANS, LOUISIANA OFFICE						
MSA : BATON ROUGE, LA		270	323	375	463	513
MSA : HOUMA-THIBODAUX, LA		222	269	313	388	426
MSA : LAFAYETTE, LA		222	266	312	385	427
MSA : LAKE CHARLES, LA		238	286	334	412	458
MSA : NEW ORLEANS, LA		258	313	362	447	494
PARISH : ACADIA	LA	203	247	287	359	394
PARISH : ALLEN	LA	227	274	320	396	440
PARISH : ASSUMPTION	LA	203	247	287	359	394
PARISH : BEAUREGARD	LA	227	274	320	396	440
PARISH : CAMERON	LA	227	274	320	396	440
PARISH : E FELICIANA	LA	180	223	259	324	359
PARISH : EVANGELINE	LA	203	247	287	359	394
PARISH : IBERIA	LA	203	247	287	359	394
PARISH : IBERVILLE	LA	180	223	259	324	359
PARISH : JEFFERSON DA	LA	227	274	320	396	440
PARISH : PLAQUEMINES	LA	220	267	314	387	425
PARISH : POINTE COUPE	LA	180	223	259	324	359
PARISH : ST HELENA	LA	180	223	259	324	359
PARISH : ST JAMES	LA	203	247	287	359	394
PARISH : ST LANDRY	LA	203	247	287	359	394
PARISH : ST MARY	LA	213	255	303	373	415
PARISH : TANGIPAHOA	LA	203	247	287	359	394
PARISH : VERMILION	LA	203	247	287	359	394

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 NEW ORLEANS, LOUISIANA OFFICE						
PARISH : WASHINGTON	LA	203	247	287	359	394
PARISH : W FELICIANA	LA	180	223	259	324	359
REGION - 6 OKLAHOMA CITY, OKLAHOMA OFFICE						
MSA : ENID, OK		204	250	292	361	398
MSA : LAWTON, OK		229	279	326	402	449
MSA : OKLAHOMA CITY, OK		300	361	424	520	572
COUNTY : ALFALFA	OK	194	236	279	344	382
COUNTY : BEAVER	OK	204	250	292	361	398
COUNTY : BECKHAM	OK	204	250	292	361	398
COUNTY : BLAINE	OK	194	236	279	344	382
COUNTY : CADDO	OK	229	279	326	402	449
COUNTY : CARTER	OK	182	225	263	327	361
COUNTY : CIMARRON	OK	204	250	292	361	398
COUNTY : COTTON	OK	229	279	326	402	449
COUNTY : CUSTER	OK	204	250	292	361	398
COUNTY : DEWEY	OK	194	236	279	344	382
COUNTY : ELLIS	OK	194	236	279	344	382
COUNTY : GARVIN	OK	182	225	263	327	361
COUNTY : GRADY	OK	229	279	326	402	449
COUNTY : GRANT	OK	194	236	279	344	382
COUNTY : GREER	OK	229	279	326	402	449
COUNTY : HARMON	OK	229	279	326	402	449
COUNTY : HARPER	OK	194	236	279	344	382
COUNTY : JACKSON	OK	229	279	326	402	449
COUNTY : JEFFERSON	OK	229	279	326	402	449
COUNTY : JOHNSTON	OK	167	206	244	303	334
COUNTY : KAY	OK	194	236	279	344	382
COUNTY : KINGFISHER	OK	194	236	279	344	382
COUNTY : KIOWA	OK	229	279	326	402	449
COUNTY : LINCOLN	OK	194	236	279	344	382
COUNTY : LOVE	OK	167	206	244	303	334
COUNTY : MAJOR	OK	194	236	279	344	382
COUNTY : MARSHALL	OK	204	250	292	361	398
COUNTY : MURRAY	OK	167	206	244	303	334
COUNTY : NOBLE	OK	194	236	279	344	382
COUNTY : PAYNE	OK	229	279	326	402	449
COUNTY : PONTOTOC	OK	182	225	263	327	361
COUNTY : ROGER MILLS	OK	194	236	279	344	382
COUNTY : SEMINOLE	OK	194	236	279	344	382
COUNTY : STEPHENS	OK	229	279	326	402	449
COUNTY : TEXAS	OK	204	250	292	361	398
COUNTY : TILLMAN	OK	229	279	326	402	449
COUNTY : WASHITA	OK	194	236	279	344	382
COUNTY : WOODS	OK	194	236	279	344	382
COUNTY : WOODWARD	OK	204	250	292	361	398
REGION - 6 SAN ANTONIO, TEXAS OFFICE						
MSA : AUSTIN, TX		317	378	434	531	590
MSA : BROWNSVILLE-HARLINGEN, TX		247	296	347	425	472
MSA : CORPUS CHRISTI, TX		240	292	339	418	464
MSA : LAREDO, TX		251	306	358	440	487
MSA : MC ALLEN-EDINBURG-MISSION, TX		247	296	347	425	472
MSA : SAN ANTONIO, TX		273	330	385	472	524
MSA : VICTORIA, TX		253	305	360	444	489
COUNTY : ARANSAS	TX	251	306	358	440	487
COUNTY : ATASCOSA	TX	205	251	294	362	402
COUNTY : BANDERA	TX	232	281	329	404	451
COUNTY : BASTROP	TX	219	264	309	386	422
COUNTY : BEE	TX	251	306	358	440	487
COUNTY : BLANCO	TX	219	264	309	386	422
COUNTY : BROOKS	TX	251	306	358	440	487
COUNTY : BURNET	TX	219	264	309	386	422
COUNTY : CALDWELL	TX	219	264	309	386	422
COUNTY : CALHOUN	TX	205	251	294	362	402
COUNTY : DE WITT	TX	205	251	294	362	402
COUNTY : DIMMIT	TX	251	306	358	440	487
COUNTY : DUVAL	TX	251	306	358	440	487
COUNTY : EDWARDS	TX	205	251	294	362	402
COUNTY : FAYETTE	TX	217	261	309	379	420
COUNTY : FRIO	TX	205	251	294	362	402
COUNTY : GILLESPIE	TX	205	251	294	362	402
COUNTY : GOLIAD	TX	205	251	294	362	402
COUNTY : GONZALES	TX	205	251	294	362	402
COUNTY : JACKSON	TX	205	251	294	362	402
COUNTY : JIM HOGG	TX	251	306	358	440	487
COUNTY : JIM WELLS	TX	251	306	358	440	487
COUNTY : KARNES	TX	205	251	294	362	402
COUNTY : KENDALL	TX	205	251	294	362	402
COUNTY : KENEDY	TX	251	306	358	440	487
COUNTY : KERR	TX	205	251	294	362	402
COUNTY : KINNEY	TX	205	251	294	362	402
COUNTY : KLEBERG	TX	251	306	358	440	487
COUNTY : LA SALLE	TX	251	306	358	440	487
COUNTY : LAUACA	TX	205	251	294	362	402
COUNTY : LEE	TX	219	264	309	386	422
COUNTY : LIVE OAK	TX	251	306	358	440	487
COUNTY : LLANO	TX	219	264	309	386	422

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517
FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 6 SAN ANTONIO, TEXAS OFFICE						
COUNTY : MCMULLEN	TX	251	306	358	440	487
COUNTY : MAVERICK	TX	205	251	294	362	402
COUNTY : MEDINA	TX	205	251	294	362	402
COUNTY : REAL	TX	205	251	294	362	402
COUNTY : REFUGIO	TX	251	306	358	440	487
COUNTY : STARR	TX	251	306	358	440	487
COUNTY : UVALDE	TX	205	251	294	362	402
COUNTY : VAL VERDE	TX	205	251	294	362	402
COUNTY : WILLACY	TX	251	306	358	440	487
COUNTY : WILSON	TX	205	251	294	362	402
COUNTY : ZAPATA	TX	251	306	358	440	487
COUNTY : ZAVALA	TX	205	251	294	362	402
REGION - 6 SHREVEPORT, LOUISIANA OFFICE						
MSA : ALEXANDRIA, LA		195	240	282	348	390
MSA : LONGVIEW-MARSHALL, TX		191	235	277	341	381
MSA : MONROE, LA		191	235	277	341	381
MSA : SHREVEPORT, LA		222	266	313	386	428
PARISH : AVOYELLES	LA	191	235	277	341	381
PARISH : BIENVILLE	LA	191	235	277	341	381
PARISH : CALDWELL	LA	191	235	277	341	381
PARISH : CATAHOULA	LA	191	235	277	341	381
PARISH : CLAIBORNE	LA	178	220	257	320	356
PARISH : CONCORDIA	LA	180	223	259	324	359
PARISH : DE SOTO	LA	191	235	277	341	381
PARISH : EAST CARROLL	LA	191	235	277	341	381
PARISH : FRANKLIN	LA	191	235	277	341	381
PARISH : GRANT	LA	156 (21)	193 (26)	228 (31)	282 (39)	317 (45)
PARISH : JACKSON	LA	191	235	277	341	381
PARISH : LA SALLE	LA	191	235	277	341	381
PARISH : LINCOLN	LA	207	250	292	361	402
PARISH : MADISON	LA	191	235	277	341	381
PARISH : MOREHOUSE	LA	191	235	277	341	381
PARISH : NATCHITOCHES	LA	191	235	277	341	381
PARISH : RED RIVER	LA	191	235	277	341	381
PARISH : RICHLAND	LA	191	235	277	341	381
PARISH : SABINE	LA	191	235	277	341	381
PARISH : TENSAS	LA	191	235	277	341	381
PARISH : UNION	LA	191	235	277	341	381
PARISH : VERNON	LA	220	261	309	379	419
PARISH : WEBSTER	LA	177 (20)	212 (23)	251 (28)	311 (36)	345 (40)
PARISH : WEST CARROLL	LA	191	235	277	341	381
PARISH : WINN	LA	191	235	277	341	381
COUNTY : CASS	TX	167	206	244	303	334
COUNTY : MARION	TX	178	220	257	320	356
COUNTY : MORRIS	TX	167	206	244	303	334
COUNTY : PANOLA	TX	178	220	257	320	356
REGION - 6 TULSA, OKLAHOMA OFFICE						
MSA : FORT SMITH, AR-OK		214	259	308	374	417
MSA : TULSA, OK		268	321	374	463	509
COUNTY : ADAIR	OK	186	227	266	332	366
COUNTY : ATOKA	OK	167	206	244	303	334
COUNTY : BRYAN	OK	186	227	266	332	366
COUNTY : CHEROKEE	OK	186	227	266	332	366
COUNTY : CHOCTAW	OK	167	206	244	303	334
COUNTY : COAL	OK	167	206	244	303	334
COUNTY : CRAIG	OK	182	225	263	327	361
COUNTY : DELAWARE	OK	204	250	292	361	398
COUNTY : HASKELL	OK	182	225	263	327	361
COUNTY : HUGHES	OK	167	206	244	303	334
COUNTY : LATIMER	OK	182	225	263	327	361
COUNTY : LE FLORE	OK	170 (13)	205 (15)	245 (19)	299 (24)	334 (28)
COUNTY : MCCURTAIN	OK	182	225	263	327	361
COUNTY : MCINTOSH	OK	178	217	253	316	352
COUNTY : MAYES	OK	220 (19)	265 (24)	310 (29)	386 (38)	425 (43)
COUNTY : MUSKOGEE	OK	186	227	266	332	366
COUNTY : NOWATA	OK	194	236	279	344	382
COUNTY : OKFUSKEE	OK	178	217	253	316	352
COUNTY : OKMULGEE	OK	178	217	253	316	352
COUNTY : OTTAWA	OK	182	225	263	327	361
COUNTY : PAWNEE	OK	194	236	279	344	382
COUNTY : PITTSBURG	OK	182	225	263	327	361
COUNTY : PUSHMATAHA	OK	182	225	263	327	361
COUNTY : WASHINGTON	OK	204	250	292	361	398
REGION - 7 DES MOINES, IOWA OFFICE						
MSA : CEDAR RAPIDS, IA		261	313	363	449	498
MSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		265	320	375	464	514
MSA : DES MOINES, IA		273	328	382	469	518
MSA : DUBUQUE, IA		226	290	374	476	513
MSA : IOWA CITY, IA		261	313	363	449	498
MSA : OMAHA, NE-IA		250	301	354	438	485

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 DES MOINES, IOWA OFFICE						
MSA : SIOUX CITY, IA-NE		234	300	364	457	499
MSA : WATERLOO-CEDAR FALLS, IA		220	266	312	387	431
COUNTY : ADAIR	IA	209	253	302	373	414
COUNTY : ADAMS	IA	209	253	302	373	414
COUNTY : ALLAMAKEE	IA	205	251	292	365	406
COUNTY : APPANOOSE	IA	209	253	302	373	414
COUNTY : AUDUBON	IA	202	247	290	360	402
COUNTY : BENTON	IA	246	297	346	425	474
COUNTY : BOONE	IA	209	253	302	373	414
COUNTY : BUCHANAN	IA	225	271	317	394	438
COUNTY : BUENA VISTA	IA	201	246	287	359	397
COUNTY : BUTLER	IA	225	271	317	394	438
COUNTY : CALHOUN	IA	201	246	287	359	397
COUNTY : CARROLL	IA	202	247	290	360	402
COUNTY : CASS	IA	201	246	287	359	397
COUNTY : CEDAR	IA	246	297	346	425	474
COUNTY : CERRO GORDO	IA	225	271	317	394	438
COUNTY : CHEROKEE	IA	202	247	290	360	402
COUNTY : CHICKASAW	IA	225	271	317	394	438
COUNTY : CLARKE	IA	209	253	302	373	414
COUNTY : CLAY	IA	223	270	315	391	437
COUNTY : CLAYTON	IA	205	251	292	365	406
COUNTY : CLINTON	IA	227	274	321	399	445
COUNTY : CRAWFORD	IA	202	247	290	360	402
COUNTY : DAVIS	IA	209	253	302	373	414
COUNTY : DECATUR	IA	209	253	302	373	414
COUNTY : DELAWARE	IA	205	251	292	365	406
COUNTY : DES MOINES	IA	207	250	295	368	408
COUNTY : DICKINSON	IA	201	246	287	359	397
COUNTY : EMMET	IA	201	246	287	359	397
COUNTY : FAYETTE	IA	225	271	317	394	438
COUNTY : FLOYD	IA	225	271	317	394	438
COUNTY : FRANKLIN	IA	225	271	317	394	438
COUNTY : FREMONT	IA	201	246	287	359	397
COUNTY : GREENE	IA	202	247	290	360	402
COUNTY : GRUNDY	IA	225	271	317	394	438
COUNTY : GUTHRIE	IA	202	247	290	360	402
COUNTY : HAMILTON	IA	201	246	287	359	397
COUNTY : HANCOCK	IA	225	271	317	394	438
COUNTY : HARDIN	IA	225	271	317	394	438
COUNTY : HARRISON	IA	201	246	287	359	397
COUNTY : HENRY	IA	207	250	295	368	408
COUNTY : HOWARD	IA	205	251	292	365	406
COUNTY : HUMBOLDT	IA	201	246	287	359	397
COUNTY : IDA	IA	202	247	290	360	402
COUNTY : IOWA	IA	246	297	346	425	474
COUNTY : JACKSON	IA	205	251	292	365	406
COUNTY : JASPER	IA	209	253	302	373	414
COUNTY : JEFFERSON	IA	209	253	302	373	414
COUNTY : JONES	IA	246	297	346	425	474
COUNTY : KEOKUK	IA	209	253	302	373	414
COUNTY : KOSSUTH	IA	225	271	317	394	438
COUNTY : LEE	IA	207	250	295	368	408
COUNTY : LOUISA	IA	227	274	321	399	445
COUNTY : LUCAS	IA	209	253	302	373	414
COUNTY : LYON	IA	225	271	317	394	438
COUNTY : MADISON	IA	209	253	302	373	414
COUNTY : MAHASKA	IA	209	253	302	373	414
COUNTY : MARION	IA	209	253	302	373	414
COUNTY : MARSHALL	IA	209	253	302	373	414
COUNTY : MILLS	IA	201	246	287	359	397
COUNTY : MITCHELL	IA	225	271	317	394	438
COUNTY : MONONA	IA	202	247	290	360	402
COUNTY : MONROE	IA	209	253	302	373	414
COUNTY : MONTGOMERY	IA	201	246	287	359	397
COUNTY : MUSCATINE	IA	227	274	321	399	445
COUNTY : O BRIEN	IA	202	247	290	360	402
COUNTY : OSCEOLA	IA	225	271	317	394	438
COUNTY : PAGE	IA	201	246	287	359	397
COUNTY : PALO ALTO	IA	201	246	287	359	397
COUNTY : PLYMOUTH	IA	202	247	290	360	402
COUNTY : POCAHONTAS	IA	201	246	287	359	397
COUNTY : POWESHIEK	IA	209	253	302	373	414
COUNTY : RINGGOLD	IA	209	253	302	373	414
COUNTY : SAC	IA	202	247	290	360	402
COUNTY : SHELBY	IA	201	246	287	359	397
COUNTY : SIOUX	IA	202	247	290	360	402
COUNTY : STORY	IA	249	301	349	429	477
COUNTY : TAMA	IA	209	253	302	373	414
COUNTY : TAYLOR	IA	209	253	302	373	414
COUNTY : UNION	IA	209	253	302	373	414
COUNTY : VAN BUREN	IA	209	253	302	373	414
COUNTY : WAPELLO	IA	240	290	338	415	460
COUNTY : WASHINGTON	IA	227	274	321	399	445
COUNTY : WAYNE	IA	209	253	302	373	414
COUNTY : WEBSTER	IA	201	246	287	359	397
COUNTY : WINNEBAGO	IA	225	271	317	394	438
COUNTY : WINNESHIEK	IA	205	251	292	365	406
COUNTY : WORTH	IA	225	271	317	394	438
COUNTY : WRIGHT	IA	201	246	287	359	397
REGION - 7 KANSAS CITY, MISSOURI OFFICE						
MSA : JOPLIN, MO		177	205	250	306	334

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 KANSAS CITY, MISSOURI OFFICE							
PMSA : KANSAS CITY, KS			269	323	376	467	512
PMSA : KANSAS CITY, MO			232	279	324	403	442
MSA : ST. JOSEPH, MO			182	225	263	330	365
MSA : SPRINGFIELD, MO			200	236	284	353	391
COUNTY : ANDREW		MO	199	245	286	359	399
COUNTY : ATCHISON		MO	184	227	265	332	368
COUNTY : BARRY		MO	181	220	260	327	363
COUNTY : BARTON		MO	159	196	232	290	322
COUNTY : BATES		MO	184	227	265	332	368
COUNTY : BENTON		MO	184	227	265	332	368
COUNTY : CALDWELL		MO	197	239	284	350	392
COUNTY : CAMDEN		MO	221	266	313	390	434
COUNTY : CARROLL		MO	184	227	265	332	368
COUNTY : CEDAR		MO	159	196	232	290	322
COUNTY : CHARITON		MO	221	266	313	390	434
COUNTY : CLINTON		MO	184	227	265	332	368
COUNTY : DADE		MO	181	220	260	327	363
COUNTY : DALLAS		MO	181	220	260	327	363
COUNTY : DAVIESS		MO	197	239	284	350	392
COUNTY : DE KALB		MO	184	227	265	332	368
COUNTY : GENTRY		MO	184	227	265	332	368
COUNTY : GRUNDY		MO	197	239	284	350	392
COUNTY : HARRISON		MO	197	239	284	350	392
COUNTY : HENRY		MO	184	227	265	332	368
COUNTY : HICKORY		MO	181	220	260	327	363
COUNTY : HOLT		MO	184	227	265	332	368
COUNTY : JOHNSON		MO	205	237	291	346	380
COUNTY : LACLEDE		MO	197	237	284	349	390
COUNTY : LAWRENCE		MO	181	220	260	327	363
COUNTY : LINN		MO	197	239	284	350	392
COUNTY : LIVINGSTON		MO	197	239	284	350	392
COUNTY : MCDONALD		MO	159	196	232	290	322
COUNTY : MERCER		MO	197	239	284	350	392
COUNTY : MILLER		MO	221	266	313	390	434
COUNTY : MORGAN		MO	221	266	313	390	434
COUNTY : NODAWAY		MO	205	237	291	346	380
COUNTY : PETTIS		MO	184	227	265	332	368
COUNTY : POLK		MO	181	220	260	327	363
COUNTY : PULASKI		MO	197	237	284	349	390
COUNTY : PUTNAM		MO	197	239	284	350	392
COUNTY : ST CLAIR		MO	159	196	232	290	322
COUNTY : SALINE		MO	184	227	265	332	368
COUNTY : STONE		MO	181	220	260	327	363
COUNTY : SULLIVAN		MO	197	239	284	350	392
COUNTY : TANEY		MO	181	220	260	327	363
COUNTY : VERNON		MO	159	196	232	290	322
COUNTY : WEBSTER		MO	181	220	260	327	363
COUNTY : WORTH		MO	184	227	265	332	368
REGION - 7 OMAHA, NEBRASKA OFFICE							
MSA : LINCOLN, NE			264	317	373	459	512
MSA : OMAHA, NE-IA			250	301	354	438	485
MSA : SIOUX CITY, IA-NE			234	300	364	457	499
COUNTY : ADAMS		NE	190	256	331	443	480
COUNTY : ANTELOPE		NE	190	235	277	346	386
COUNTY : ARTHUR		NE	190	235	277	346	386
COUNTY : BANNER		NE	188	232	273	338	378
COUNTY : BLAINE		NE	190	235	277	346	386
COUNTY : BOONE		NE	190	235	277	346	386
COUNTY : BOX BUTTE		NE	229	276	322	403	447
COUNTY : BOYD		NE	190	235	277	346	386
COUNTY : BROWN		NE	190	235	277	346	386
COUNTY : BUFFALO		NE	190	235	277	346	386
COUNTY : BURT		NE	201	246	287	359	397
COUNTY : BUTLER		NE	201	246	287	359	397
COUNTY : CASS		NE	201	246	287	359	397
COUNTY : CEDAR		NE	202	247	290	360	402
COUNTY : CHASE		NE	220	265	311	388	430
COUNTY : CHERRY		NE	190	235	277	346	386
COUNTY : CHEYENNE		NE	188	232	273	338	378
COUNTY : CLAY		NE	190	235	277	346	386
COUNTY : COLFAX		NE	201	246	287	359	397
COUNTY : CUMING		NE	202	247	290	360	402
COUNTY : CUSTER		NE	190	235	277	346	386
COUNTY : DAWES		NE	188	232	273	338	378
COUNTY : DAWSON		NE	190	235	277	346	386
COUNTY : DEUEL		NE	188	232	273	338	378
COUNTY : DIXON		NE	202	247	290	360	402
COUNTY : DODGE		NE	201	246	287	359	397
COUNTY : DUNDY		NE	220	265	311	388	430
COUNTY : FILLMORE		NE	201	246	287	359	397
COUNTY : FRANKLIN		NE	190	235	277	346	386
COUNTY : FRONTIER		NE	190	235	277	346	386
COUNTY : FURNAS		NE	190	235	277	346	386
COUNTY : GAGE		NE	234	284	332	410	455
COUNTY : GARDEN		NE	188	232	273	338	378
COUNTY : GARFIELD		NE	190	235	277	346	386
COUNTY : GOSPER		NE	190	235	277	346	386

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 OMAHA, NEBRASKA OFFICE						
COUNTY : GRANT	NE	190	235	277	346	386
COUNTY : GREELEY	NE	190	235	277	346	386
COUNTY : HALL	NE	190	235	277	360	390
COUNTY : HAMILTON	NE	190	235	277	346	386
COUNTY : HARLAN	NE	190	235	277	346	386
COUNTY : HAYES	NE	190	235	277	346	386
COUNTY : HITCHCOCK	NE	190	235	277	346	386
COUNTY : HOLT	NE	202	247	290	360	402
COUNTY : HOOKER	NE	190	235	277	346	386
COUNTY : HOWARD	NE	190	235	277	346	386
COUNTY : JEFFERSON	NE	201	246	287	359	397
COUNTY : JOHNSON	NE	201	246	287	359	397
COUNTY : KEARNEY	NE	190	235	277	346	386
COUNTY : KEITH	NE	190	235	277	346	386
COUNTY : KEYA PAHA	NE	202	247	290	360	402
COUNTY : KIMBALL	NE	188	232	273	338	378
COUNTY : KNOX	NE	202	247	290	360	402
COUNTY : LINCOLN	NE	190	235	277	346	386
COUNTY : LOGAN	NE	190	235	277	346	386
COUNTY : LOUP	NE	190	235	277	346	386
COUNTY : MCPHERSON	NE	190	235	277	346	386
COUNTY : MADISON	NE	202	247	290	360	402
COUNTY : MERRICK	NE	190	235	277	346	386
COUNTY : MORRILL	NE	188	232	273	338	378
COUNTY : NANCE	NE	190	235	277	346	386
COUNTY : NEMAHA	NE	201	246	287	359	397
COUNTY : NUCKOLLS	NE	190	235	277	346	386
COUNTY : OTOE	NE	201	246	287	359	397
COUNTY : PAWNEE	NE	201	246	287	359	397
COUNTY : PERKINS	NE	220	265	311	388	430
COUNTY : PHELPS	NE	190	235	277	346	386
COUNTY : PIERCE	NE	202	247	290	360	402
COUNTY : PLATTE	NE	201	246	287	359	397
COUNTY : POLK	NE	201	246	287	359	397
COUNTY : RED WILLOW	NE	190	235	277	346	386
COUNTY : RICHARDSON	NE	201	246	287	359	397
COUNTY : ROCK	NE	202	247	290	360	402
COUNTY : SALINE	NE	201	246	287	359	397
COUNTY : SAUNDERS	NE	201	246	287	359	397
COUNTY : SCOTTS BLUFF	NE	230	277	322	399	445
COUNTY : SEWARD	NE	201	246	287	359	397
COUNTY : SHERIDAN	NE	188	232	273	338	378
COUNTY : SHERMAN	NE	190	235	277	346	386
COUNTY : SIOUX	NE	188	232	273	338	378
COUNTY : STANTON	NE	202	247	290	360	402
COUNTY : THAYER	NE	201	246	287	359	397
COUNTY : THOMAS	NE	190	235	277	346	386
COUNTY : THURSTON	NE	202	247	290	360	402
COUNTY : VALLEY	NE	190	235	277	346	386
COUNTY : WAYNE	NE	202	247	290	360	402
COUNTY : WEBSTER	NE	190	235	277	346	386
COUNTY : WHEELER	NE	190	235	277	346	386
COUNTY : YORK	NE	201	246	287	359	397
REGION - 7 ST. LOUIS, MISSOURI OFFICE						
MSA : COLUMBIA, MO		234	284	332	410	455
PMSA : ST. LOUIS, MO-IL		277	333	385	473	527
COUNTY : ADAIR	MO	221	266	313	390	434
COUNTY : AUDRAIN	MO	221	266	313	390	434
COUNTY : BOLLINGER	MO	173	214	252	313	353
COUNTY : BUTLER	MO	182	220	264	329	368
COUNTY : CALLAWAY	MO	221	266	313	390	434
COUNTY : CAPE GIRARDE	MO	207	250	295	366	407
COUNTY : CARTER	MO	182	220	264	329	368
COUNTY : CLARK	MO	207	250	295	368	408
COUNTY : COLE	MO	221	266	313	390	434
COUNTY : COOPER	MO	221	266	313	390	434
COUNTY : CRAWFORD	MO	197	237	284	349	390
COUNTY : DENT	MO	197	237	284	349	390
COUNTY : DOUGLAS	MO	197	237	284	349	390
COUNTY : DUNKLIN	MO	173	214	252	313	353
COUNTY : GASCONADE	MO	197	237	284	349	390
COUNTY : HOWARD	MO	221	266	313	390	434
COUNTY : HOWELL	MO	197	237	284	349	390
COUNTY : IRON	MO	197	237	284	349	390
COUNTY : KNOX	MO	221	266	313	390	434
COUNTY : LEWIS	MO	207	250	295	368	408
COUNTY : LINCOLN	MO	197	237	284	349	390
COUNTY : MACON	MO	221	266	313	390	434
COUNTY : MADISON	MO	197	237	284	349	390
COUNTY : MARIES	MO	197	237	284	349	390
COUNTY : MARION	MO	207	250	295	368	408
COUNTY : MISSISSIPPI	MO	173	214	252	313	353
COUNTY : MONITEAU	MO	221	266	313	390	434
COUNTY : MONROE	MO	221	266	313	390	434
COUNTY : MONTGOMERY	MO	197	237	284	349	390
COUNTY : NEW MADRID	MO	173	214	252	313	353
COUNTY : OREGON	MO	197	237	284	349	390
COUNTY : OSAGE	MO	221	266	313	390	434
COUNTY : OZARK	MO	197	237	284	349	390

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 ST. LOUIS, MISSOURI OFFICE						
COUNTY : PEMISCOT	MO	173	214	252	313	353
COUNTY : PERRY	MO	197	237	284	349	390
COUNTY : PHELPS	MO	197	237	284	349	390
COUNTY : PIKE	MO	197	237	284	349	390
COUNTY : RALLS	MO	207	250	295	368	408
COUNTY : RANDOLPH	MO	221	266	313	390	434
COUNTY : REYNOLDS	MO	197	237	284	349	390
COUNTY : RIPLEY	MO	182	220	264	329	368
COUNTY : STE GENEVIEV	MO	197	237	284	349	390
COUNTY : ST FRANCOIS	MO	197	237	284	349	390
COUNTY : SCHUYLER	MO	221	266	313	390	434
COUNTY : SCOTLAND	MO	221	266	313	390	434
COUNTY : SCOTT	MO	207	250	295	366	407
COUNTY : SHANNON	MO	197	237	284	349	390
COUNTY : SHELBY	MO	221	266	313	390	434
COUNTY : STODDARD	MO	173	214	252	313	353
COUNTY : TEXAS	MO	197	237	284	349	390
COUNTY : WARREN	MO	197	237	284	349	390
COUNTY : WASHINGTON	MO	197	237	284	349	390
COUNTY : WAYNE	MO	182	220	264	329	368
COUNTY : WRIGHT	MO	197	237	284	349	390
REGION - 7 TOPEKA, KANSAS OFFICE						
PMSA : KANSAS CITY, KS		269	323	376	467	512
MSA : LAWRENCE, KS		265	308	364	458	492
MSA : TOPEKA, KS		239	288	338	417	465
MSA : WICHITA, KS		236	274	317	404	436
COUNTY : ALLEN	KS	159	196	232	290	322
COUNTY : ANDERSON	KS	189	233	275	343	384
COUNTY : ATCHISON	KS	189	233	275	343	384
COUNTY : BARBER	KS	169	208	247	309	342
COUNTY : BARTON	KS	182	221	263	329	364
COUNTY : BOURBON	KS	159	196	232	290	322
COUNTY : BROWN	KS	189	233	275	343	384
COUNTY : CHASE	KS	169	208	247	309	342
COUNTY : CHAUTAUQUA	KS	169	208	247	309	342
COUNTY : CHEROKEE	KS	159	196	232	290	322
COUNTY : CHEYENNE	KS	182	221	263	329	364
COUNTY : CLARK	KS	169	208	247	309	342
COUNTY : CLAY	KS	182	221	263	329	364
COUNTY : CLOUD	KS	182	221	263	329	364
COUNTY : COFFEY	KS	189	233	275	343	384
COUNTY : COMANCHE	KS	169	208	247	309	342
COUNTY : COWLEY	KS	169	208	247	309	342
COUNTY : CRAWFORD	KS	159	217	251	327	340
COUNTY : DECATUR	KS	182	221	263	329	364
COUNTY : DICKINSON	KS	182	221	263	329	364
COUNTY : DONIPHAN	KS	189	233	275	343	384
COUNTY : EDWARDS	KS	169	208	247	309	342
COUNTY : ELK	KS	169	208	247	309	342
COUNTY : ELLIS	KS	182	221	263	329	364
COUNTY : ELLSWORTH	KS	182	221	263	329	364
COUNTY : FINNEY	KS	169	208	247	309	342
COUNTY : FORD	KS	169	208	247	309	342
COUNTY : FRANKLIN	KS	189	233	275	343	384
COUNTY : GEARY	KS	189	233	275	343	384
COUNTY : GOVE	KS	182	221	263	329	364
COUNTY : GRAHAM	KS	182	221	263	329	364
COUNTY : GRANT	KS	169	208	247	309	342
COUNTY : GRAY	KS	169	208	247	309	342
COUNTY : GREELEY	KS	182	221	263	329	364
COUNTY : GREENWOOD	KS	169	208	247	309	342
COUNTY : HAMILTON	KS	169	208	247	309	342
COUNTY : HARPER	KS	169	208	247	309	342
COUNTY : HARVEY	KS	193	233	273	351	373
COUNTY : HASKELL	KS	169	208	247	309	342
COUNTY : HODGEMAN	KS	169	208	247	309	342
COUNTY : JACKSON	KS	189	233	275	343	384
COUNTY : JEFFERSON	KS	203 (3)	245 (4)	289 (6)	359 (9)	401 (13)
COUNTY : JEWELL	KS	182	221	263	329	364
COUNTY : KEARNY	KS	169	208	247	309	342
COUNTY : KINGMAN	KS	169	208	247	309	342
COUNTY : KIOWA	KS	169	208	247	309	342
COUNTY : LABETTE	KS	159	196	232	290	322
COUNTY : LANE	KS	182	221	263	329	364
COUNTY : LINCOLN	KS	182	221	263	329	364
COUNTY : LINN	KS	189	233	275	343	384
COUNTY : LOGAN	KS	182	221	263	329	364
COUNTY : LYON	KS	189	233	275	343	384
COUNTY : MCPHERSON	KS	182	221	263	329	364
COUNTY : MARION	KS	169	208	247	309	342
COUNTY : MARSHALL	KS	189	233	275	343	384
COUNTY : MEADE	KS	169	208	247	309	342
COUNTY : MITCHELL	KS	182	221	263	329	364
COUNTY : MONTGOMERY	KS	159	196	232	290	322
COUNTY : MORRIS	KS	182	221	263	329	364
COUNTY : MORTON	KS	169	208	247	309	342
COUNTY : NEMAHA	KS	189	233	275	343	384
COUNTY : NEOSHO	KS	159	196	232	290	322
COUNTY : NESS	KS	182	221	263	329	364

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 7 TOPEKA, KANSAS OFFICE						
COUNTY : NORTON	KS	182	221	263	329	364
COUNTY : OSAGE	KS	203 (18)	245 (21)	289 (27)	359 (35)	401 (40)
COUNTY : OSBORNE	KS	182	221	263	329	364
COUNTY : OTTAWA	KS	182	221	263	329	364
COUNTY : PAWNEE	KS	169	208	247	309	342
COUNTY : PHILLIPS	KS	182	221	263	329	364
COUNTY : POTTAWATOMIE	KS	189	233	275	343	384
COUNTY : PRATT	KS	169	208	247	309	342
COUNTY : RAWLINS	KS	182	221	263	329	364
COUNTY : RENO	KS	169	208	247	309	342
COUNTY : REPUBLIC	KS	182	221	263	329	364
COUNTY : RICE	KS	182	221	263	329	364
COUNTY : RILEY	KS	221	271	313	394	435
COUNTY : ROOKS	KS	182	221	263	329	364
COUNTY : RUSH	KS	182	221	263	329	364
COUNTY : RUSSELL	KS	182	221	263	329	364
COUNTY : SALINE	KS	182	221	263	329	364
COUNTY : SCOTT	KS	182	221	263	329	364
COUNTY : SEWARD	KS	169	208	247	309	342
COUNTY : SHERIDAN	KS	182	221	263	329	364
COUNTY : SHERMAN	KS	182	221	263	329	364
COUNTY : SMITH	KS	182	221	263	329	364
COUNTY : STAFFORD	KS	169	208	247	309	342
COUNTY : STANTON	KS	169	208	247	309	342
COUNTY : STEVENS	KS	169	208	247	309	342
COUNTY : SUMNER	KS	169	208	247	309	342
COUNTY : THOMAS	KS	182	221	263	329	364
COUNTY : TREGO	KS	182	221	263	329	364
COUNTY : WABAUNSEE	KS	189	233	275	343	384
COUNTY : WALLACE	KS	182	221	263	329	364
COUNTY : WASHINGTON	KS	189	233	275	343	384
COUNTY : WICHITA	KS	182	221	263	329	364
COUNTY : WILSON	KS	159	196	232	290	322
COUNTY : WOODSON	KS	159	196	232	290	322
REGION - 8 CASPER, WYOMING OFFICE						
MSA : CASPER, WY		318	391	478	587	658
COUNTY : ALBANY	WY	214	259	307	375	420
COUNTY : BIG HORN	WY	225	270	316	391	432
COUNTY : CAMPBELL	WY	214	259	307	375	420
COUNTY : CARBON	WY	214	259	307	375	420
COUNTY : CONVERSE	WY	214	259	307	375	420
COUNTY : CROOK	WY	225	270	316	391	432
COUNTY : FREMONT	WY	214	259	307	375	420
COUNTY : GOSHEN	WY	214	259	307	375	420
COUNTY : HOT SPRINGS	WY	225	270	316	391	432
COUNTY : JOHNSON	WY	214	259	307	375	420
COUNTY : LARAMIE	WY	291	340	394	480	531
COUNTY : LINCOLN	WY	214	259	307	375	420
COUNTY : NIOBRARA	WY	214	259	307	375	420
COUNTY : PARK	WY	225	270	316	391	432
COUNTY : PLATTE	WY	214	259	307	375	420
COUNTY : SHERIDAN	WY	295	352	423	523	583
COUNTY : SUBLETTE	WY	214	259	307	375	420
COUNTY : SWEETWATER	WY	214	259	307	375	420
COUNTY : TETON	WY	287	343	399	489	540
COUNTY : UINTA	WY	214	259	307	375	420
COUNTY : WASHAKIE	WY	225	270	316	391	432
COUNTY : WESTON	WY	225	270	316	391	432
REGION - 8 DENVER, COLORADO REGIONAL OFFICE						
PMSA : BOULDER-LONGMONT, CO		402	473	552	670	742
MSA : COLORADO SPRINGS, CO		265	319	371	455	502
PMSA : DENVER, CO		355	418	487	592	653
MSA : FORT COLLINS-LOVELAND, CO		267	319	371	462	510
MSA : GREELEY, CO		249	300	349	426	475
MSA : PUEBLO, CO		259	315	365	449	496
COUNTY : ALAMOSA	CO	259	315	365	449	496
COUNTY : ARCHULETA	CO	214	259	307	375	420
COUNTY : BACA	CO	236	284	328	404	448
COUNTY : BENT	CO	236	284	328	404	448
COUNTY : CHAFFEE	CO	236	284	328	404	448
COUNTY : CHEYENNE	CO	226	269	318	386	427
COUNTY : CLEAR CREEK	CO	249	300	349	426	475
COUNTY : CONEJOS	CO	259	315	365	449	496
COUNTY : COSTILLA	CO	259	315	365	449	496
COUNTY : CROWLEY	CO	236	284	328	404	448
COUNTY : CUSTER	CO	236	284	328	404	448
COUNTY : DELTA	CO	214	259	307	375	420
COUNTY : DELORES	CO	214	259	307	375	420
COUNTY : EAGLE	CO	214	259	307	375	420
COUNTY : ELBERT	CO	226	269	318	386	427
COUNTY : FREMONT	CO	236	284	328	404	448
COUNTY : GARFIELD	CO	307	361	423	518	573
COUNTY : GILPIN	CO	326	386	448	544	600
COUNTY : GRAND	CO	249	300	349	426	475
COUNTY : GUNNISON	CO	214	259	307	375	420
COUNTY : HINSDALE	CO	214	259	307	375	420

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 DENVER, COLORADO REGIONAL OFFICE						
COUNTY : HUERFANO	CO	236	284	328	404	448
COUNTY : JACKSON	CO	214	259	307	375	420
COUNTY : KIOWA	CO	236	284	328	404	448
COUNTY : KIT CARSON	CO	226	269	318	386	427
COUNTY : LAKE	CO	226	269	318	386	427
COUNTY : LA PLATA	CO	214	259	307	375	420
COUNTY : LAS ANIMAS	CO	236	284	328	404	448
COUNTY : LINCOLN	CO	236	284	328	404	448
COUNTY : LOGAN	CO	249	300	349	426	475
COUNTY : MESA	CO	309	370	426	522	578
COUNTY : MINERAL	CO	259	315	365	449	496
COUNTY : MOFFAT	CO	295	352	423	519	572
COUNTY : MONTEZUMA	CO	214	259	307	375	420
COUNTY : MONTROSE	CO	214	259	307	375	420
COUNTY : MORGAN	CO	249	300	349	426	475
COUNTY : OTERO	CO	236	284	328	404	448
COUNTY : OURAY	CO	214	259	307	375	420
COUNTY : PARK	CO	226	269	318	386	427
COUNTY : PHILLIPS	CO	249	300	349	426	475
COUNTY : PITKIN	CO	214	259	307	375	420
COUNTY : PROWERS	CO	236	284	328	404	448
COUNTY : RIO BLANCO	CO	214	259	307	375	420
COUNTY : RIO GRANDE	CO	259	315	365	449	496
COUNTY : ROUTT	CO	295	352	423	519	572
COUNTY : SAGUACHE	CO	259	315	365	449	496
COUNTY : SAN JUAN	CO	214	259	307	375	420
COUNTY : SAN MIGUEL	CO	214	259	307	375	420
COUNTY : SEDGWICK	CO	249	300	349	426	475
COUNTY : SUMMIT	CO	249	300	349	426	475
COUNTY : TELLER	CO	288	349	404	494	547
COUNTY : WASHINGTON	CO	249	300	349	426	475
COUNTY : YUMA	CO	249	300	349	426	475
REGION - 8 FARGO, NORTH DAKOTA OFFICE						
MSA : BISMARCK, ND		261	304	360	448	480
MSA : FARGO-MOORHEAD, ND-MN		255	290	373	460	485
MSA : GRAND FORKS, ND		259	309	365	457	490
COUNTY : ADAMS	ND	207	246	310	374	402
COUNTY : BARNES	ND	207	246	310	374	402
COUNTY : BENSON	ND	207	246	310	374	402
COUNTY : BILLINGS	ND	207	246	310	374	402
COUNTY : BOTTINEAU	ND	207	246	310	374	402
COUNTY : BOWMAN	ND	207	246	310	374	402
COUNTY : BURKE	ND	207	246	310	374	402
COUNTY : CAVALIER	ND	207	246	310	374	402
COUNTY : DICKEY	ND	207	246	310	374	402
COUNTY : DIVIDE	ND	207	246	310	374	402
COUNTY : DUNN	ND	207	246	310	374	402
COUNTY : EDDY	ND	207	246	310	374	402
COUNTY : EMMONS	ND	207	246	310	374	402
COUNTY : FOSTER	ND	207	246	310	374	402
COUNTY : GOLDEN VALLY	ND	207	246	310	374	402
COUNTY : GRANT	ND	207	246	310	374	402
COUNTY : GRIGGS	ND	245	290	346	430	479
COUNTY : HETTINGER	ND	207	246	310	374	402
COUNTY : KIDDER	ND	207	246	310	374	402
COUNTY : LA MOORE	ND	207	246	310	374	402
COUNTY : LOGAN	ND	207	246	310	374	402
COUNTY : MCHENRY	ND	207	246	310	374	402
COUNTY : MCINTOSH	ND	207	246	310	374	402
COUNTY : MCKENZIE	ND	207	246	310	374	402
COUNTY : MCLEAN	ND	228	256	329	388	419
COUNTY : MERCER	ND	323	375	491	608	676
COUNTY : MOUNTRAIL	ND	207	246	310	374	402
COUNTY : NELSON	ND	207	246	310	374	402
COUNTY : OLIVER	ND	228	256	329	388	419
COUNTY : PEMBINA	ND	207	246	310	374	402
COUNTY : PIERCE	ND	207	246	310	374	402
COUNTY : RAMSEY	ND	207	246	310	374	402
COUNTY : RANSOM	ND	207	246	310	374	402
COUNTY : RENVILLE	ND	207	246	310	374	402
COUNTY : RICHLAND	ND	207	246	310	374	402
COUNTY : ROLETTE	ND	207	246	310	374	402
COUNTY : SARGENT	ND	207	246	310	374	402
COUNTY : SHERIDAN	ND	207	246	310	374	402
COUNTY : SIOUX	ND	207	246	310	374	402
COUNTY : SLOPE	ND	207	246	310	374	402
COUNTY : STARK	ND	261	303	360	448	480
COUNTY : STEELE	ND	207	246	310	374	402
COUNTY : STUTSMAN	ND	207	246	310	374	402
COUNTY : TOWNER	ND	207	246	310	374	402
COUNTY : TRAILL	ND	207	246	310	374	402
COUNTY : WALSH	ND	207	246	310	374	402
COUNTY : WARD	ND	251	302	358	448	498
COUNTY : WELLS	ND	207	246	310	374	402
COUNTY : WILLIAMS	ND	267	308	368	460	510
REGION - 8 HELENA, MONTANA OFFICE						
MSA : BILLINGS, MT		295	354	411	503	558

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 HELENA, MONTANA OFFICE						
MSA : GREAT FALLS, MT		269	332	385	486	520
COUNTY : BEAVERHEAD	MT	236	285	333	410	456
COUNTY : BIG HORN	MT	225	270	316	391	432
COUNTY : BLAINE	MT	225	270	316	391	432
COUNTY : BROADWATER	MT	225	270	316	391	432
COUNTY : CARBON	MT	225	270	316	391	432
COUNTY : CARTER	MT	225	270	316	391	432
COUNTY : CHOUTEAU	MT	225	270	316	391	432
COUNTY : CUSTER	MT	225	270	316	391	432
COUNTY : DANIELS	MT	237	288	335	411	460
COUNTY : DAWSON	MT	225	270	316	391	432
COUNTY : DEER LODGE	MT	236	285	333	410	456
COUNTY : FALLON	MT	225	270	316	391	432
COUNTY : FERGUS	MT	225	270	316	391	432
COUNTY : FLATHEAD	MT	256	312	359	444	488
COUNTY : GALLATIN	MT	298	357	418	513	566
COUNTY : GARFIELD	MT	225	270	316	391	432
COUNTY : GLACIER	MT	225	270	316	391	432
COUNTY : GOLDEN VALLE	MT	225	270	316	391	432
COUNTY : GRANITE	MT	236	285	333	410	456
COUNTY : HILL	MT	225	270	316	391	432
COUNTY : JEFFERSON	MT	225	270	316	391	432
COUNTY : JUDITH BASIN	MT	225	270	316	391	432
COUNTY : LAKE	MT	236	285	333	410	456
COUNTY : LEWIS+ CLARK	MT	309	370	425	522	574
COUNTY : LIBERTY	MT	225	270	316	391	432
COUNTY : LINCOLN	MT	236	285	333	410	456
COUNTY : MCCONE	MT	225	270	316	391	432
COUNTY : MADISON	MT	236	285	333	410	456
COUNTY : MEAGHER	MT	225	270	316	391	432
COUNTY : MINERAL	MT	236	285	333	410	456
COUNTY : MISSOULA	MT	268	322	375	462	514
COUNTY : MUSSELSHELL	MT	225	270	316	391	432
COUNTY : PARK	MT	288	347	404	492	545
COUNTY : PETROLEUM	MT	225	270	316	391	432
COUNTY : PHILLIPS	MT	225	270	316	391	432
COUNTY : PONDERA	MT	225	270	316	391	432
COUNTY : POWDER RIVER	MT	225	270	316	391	432
COUNTY : POWELL	MT	236	285	333	410	456
COUNTY : PRAIRIE	MT	225	270	316	391	432
COUNTY : RAVALLI	MT	236	285	333	410	456
COUNTY : RICHLAND	MT	260	316	369	451	499
COUNTY : ROOSEVELT	MT	237	288	335	411	460
COUNTY : ROSEBUD	MT	225	270	316	391	432
COUNTY : SANDERS	MT	236	285	333	410	456
COUNTY : SHERIDAN	MT	237	288	335	411	460
COUNTY : SILVER BOW	MT	236	285	333	410	456
COUNTY : STILLWATER	MT	225	270	316	391	432
COUNTY : SWEET GRASS	MT	225	270	316	391	432
COUNTY : TETON	MT	225	270	316	391	432
COUNTY : TOOLE	MT	225	270	316	391	432
COUNTY : TREASURE	MT	225	270	316	391	432
COUNTY : VALLEY	MT	225	270	316	391	432
COUNTY : WHEATLAND	MT	225	270	316	391	432
COUNTY : WIBAUX	MT	237	288	335	411	460
COUNTY : YL-ST-NT-PK	MT	225	270	316	391	432
REGION - 8 SALT LAKE CITY, UTAH OFFICE						
MSA : PROVO-OREM, UT		249	300	349	426	475
MSA : SALT LAKE CITY-OGDEN, UT		293	342	413	504	555
COUNTY : BEAVER	UT	295	352	408	499	550
COUNTY : BOX ELDER	UT	214	259	307	375	420
COUNTY : CACHE	UT	214	259	307	375	420
COUNTY : CARBON	UT	287	343	399	489	540
COUNTY : DAGGETT	UT	214	259	307	375	420
COUNTY : DUCHESNE	UT	214	259	307	375	420
COUNTY : EMERY	UT	267	319	371	462	510
COUNTY : GARFIELD	UT	295	352	408	499	550
COUNTY : GRAND	UT	192	235	274	340	374
COUNTY : IRON	UT	295	352	408	499	550
COUNTY : JUAB	UT	192	235	274	340	374
COUNTY : KANE	UT	295	352	408	499	550
COUNTY : MILLARD	UT	192	235	274	340	374
COUNTY : MORGAN	UT	214	259	307	375	420
COUNTY : PIUTE	UT	192	235	274	340	374
COUNTY : RICH	UT	214	259	307	375	420
COUNTY : SAN JUAN	UT	192	235	274	340	374
COUNTY : SANPETE	UT	192	235	274	340	374
COUNTY : SEVIER	UT	192	235	274	340	374
COUNTY : SUMMIT	UT	214	259	307	375	420
COUNTY : TOOELE	UT	280	328	396	483	533
COUNTY : UINTAH	UT	214	259	307	375	420
COUNTY : WASATCH	UT	214	259	307	375	420
COUNTY : WASHINGTON	UT	295	352	408	499	550
COUNTY : WAYNE	UT	192	235	274	340	374
REGION - 8 SIOUX FALLS, S. DAKOTA OFFICE						
MSA : SIOUX FALLS, SD		260	312	364	456	505

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 8 SIOUX FALLS, S. DAKOTA OFFICE						
COUNTY : AURORA	SD	225	271	317	394	438
COUNTY : BEADLE	SD	225	271	317	394	438
COUNTY : BENNETT	SD	199	239	285	353	392
COUNTY : BON HOMME	SD	202	247	290	360	402
COUNTY : BROOKINGS	SD	225	271	317	394	438
COUNTY : BROWN	SD	233	273	341	430	485
COUNTY : BRULE	SD	199	239	285	353	392
COUNTY : BUFFALO	SD	199	239	285	353	392
COUNTY : BUTTE	SD	223	270	315	391	436
COUNTY : CAMPBELL	SD	199	239	285	353	392
COUNTY : CHARLES MIX	SD	202	247	290	360	402
COUNTY : CLARK	SD	199	239	285	353	392
COUNTY : CLAY	SD	234	284	332	410	457
COUNTY : CODINGTON	SD	199	259	310	365	405
COUNTY : CORSON	SD	199	239	285	353	392
COUNTY : CUSTER	SD	237	285	337	415	460
COUNTY : DAVISON	SD	225	271	317	394	438
COUNTY : DAY	SD	199	239	285	353	392
COUNTY : DEUEL	SD	199	239	285	353	392
COUNTY : DEWEY	SD	199	239	285	353	392
COUNTY : DOUGLAS	SD	202	247	290	360	402
COUNTY : EDMUNDS	SD	199	239	285	353	392
COUNTY : FALL RIVER	SD	237	285	337	415	460
COUNTY : FAULK	SD	199	239	285	353	392
COUNTY : GRANT	SD	233	284	332	410	455
COUNTY : GREGORY	SD	199	239	285	353	392
COUNTY : HAAKON	SD	199	239	285	353	392
COUNTY : HAMLIN	SD	199	239	285	353	392
COUNTY : HAND	SD	225	271	317	394	438
COUNTY : HANSON	SD	225	271	317	394	438
COUNTY : HARDING	SD	199	239	285	353	392
COUNTY : HUGHES	SD	262	316	368	458	508
COUNTY : HUTCHINSON	SD	202	247	290	360	402
COUNTY : HYDE	SD	199	239	285	353	392
COUNTY : JACKSON	SD	199	239	285	353	392
COUNTY : JERAULD	SD	225	271	317	394	438
COUNTY : JONES	SD	199	239	285	353	392
COUNTY : KINGSBURY	SD	225	271	317	394	438
COUNTY : LAKE	SD	225	271	317	394	438
COUNTY : LAWRENCE	SD	249	271	344	413	458
COUNTY : LINCOLN	SD	225	271	317	394	438
COUNTY : LYMAN	SD	199	239	285	353	392
COUNTY : MCCOOK	SD	225	271	317	394	438
COUNTY : MCPHERSON	SD	199	239	285	353	392
COUNTY : MARSHALL	SD	199	239	285	353	392
COUNTY : MEADE	SD	250	301	350	434	481
COUNTY : MELLETTE	SD	199	239	285	353	392
COUNTY : MINER	SD	225	271	317	394	438
COUNTY : MOODY	SD	225	271	317	394	438
COUNTY : PENNINGTON	SD	250	301	350	434	481
COUNTY : PERKINS	SD	199	239	285	353	392
COUNTY : POTTER	SD	199	239	285	353	392
COUNTY : ROBERTS	SD	199	239	285	353	392
COUNTY : SANBORN	SD	225	271	317	394	438
COUNTY : SHANNON	SD	199	239	285	353	392
COUNTY : SPINK	SD	199	239	285	353	392
COUNTY : STANLEY	SD	262	316	368	458	508
COUNTY : SULLY	SD	199	239	285	353	392
COUNTY : TODD	SD	199	239	285	353	392
COUNTY : TRIPP	SD	199	239	285	353	392
COUNTY : TURNER	SD	225	271	317	394	438
COUNTY : UNION	SD	202	247	290	360	402
COUNTY : WALWORTH	SD	219	263	308	387	424
COUNTY : YANKTON	SD	202	247	290	360	402
COUNTY : ZIEBACH	SD	199	239	285	353	392
REGION - 9 FRESNO, CALIFORNIA OFFICE						
MSA : FRESNO, CA		268	322	378	518	558
MSA : MODESTO, CA		291	319	386	543	579
MSA : VISALIA-TULARE-PORTERVILLE, CA		281	318	399	546	593
COUNTY : KINGS	CA	241	292	340	441	497
COUNTY : MADERA	CA	243	295	354	490	528
COUNTY : MARIPOSA	CA	254	314	390	521	578
COUNTY : MERCED	CA	256	289	390	523	593
REGION - 9 HONOLULU, HAWAII OFFICE						
MSA : HONOLULU, HI		370	430	507	632	693
COUNTY : HAWAII	HI	406	479	552	675	747
COUNTY : KAUAI	HI	406	479	552	675	747
COUNTY : MAUI	HI	406	479	552	675	747
COUNTY : GUAM		362	427	496	602	667
REGION - 9 LOS ANGELES, CALIFORNIA OFFICE						
MSA : BAKERSFIELD, CA		278	342	383	531	603
PMSA : LOS ANGELES-LONG BEACH, CA		416	490	567	741	851

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 9 LOS ANGELES, CALIFORNIA OFFICE						
PMSA : OXNARD-VENTURA, CA		360	428	500	629	714
MSA : SANTA BARBARA-SANTA MARIA-LOMPOC, CA		328	392	492	600	665
COUNTY : SAN LUIS OBI	CA	347	403	490	612	669
REGION - 9 PHOENIX, ARIZONA OFFICE						
MSA : PHOENIX, AZ		323	384	445	550	602
COUNTY : APACHE	AZ	233	284	328	406	451
COUNTY : COCONINO	AZ	280	322	422	535	593
COUNTY : GILA	AZ	233	284	328	406	451
COUNTY : MOHAVE	AZ	233	284	328	406	451
COUNTY : NAVAJO	AZ	233	284	328	406	451
COUNTY : PINAL	AZ	233	284	328	406	451
COUNTY : YAVAPAI	AZ	233	284	328	406	451
COUNTY : YUMA	AZ	233	284	328	406	451
REGION - 9 TUCSON, ARIZONA OFFICE						
MSA : TUCSON, AZ		289	345	401	491	543
COUNTY : COCHISE	AZ	233	284	328	406	451
COUNTY : GRAHAM	AZ	233	284	328	406	451
COUNTY : GREENLEE	AZ	233	284	328	406	451
COUNTY : SANTA CRUZ	AZ	233	284	328	406	451
REGION - 9 RENO, NEVADA OFFICE						
MSA : RENO, NV		378	448	528	669	716
COUNTY : CHURCHILL	NV	322	388	446	548	608
COUNTY : DOUGLAS	NV	322	388	446	548	608
COUNTY : ELKO	NV	322	388	446	548	608
COUNTY : ESMERALDA	NV	297	355	423	531	574
COUNTY : EUREKA	NV	297	355	423	531	574
COUNTY : HUMBOLDT	NV	322	388	446	548	608
COUNTY : LANDER	NV	322	388	446	548	608
COUNTY : LYON	NV	322	388	446	548	608
COUNTY : MINERAL	NV	322	388	446	548	608
COUNTY : NYE	NV	297	355	423	531	574
COUNTY : PERSHING	NV	322	388	446	548	608
COUNTY : STOREY	NV	322	388	446	548	608
COUNTY : WHITE PINE	NV	297	355	423	531	574
INDEP. CITY : CARSON CITY	NV	322	388	446	548	608
REGION - 9 SACRAMENTO, CALIFORNIA OFFICE						
MSA : CHICO, CA		267	298	370	480	529
MSA : REDDING, CA		273	312	367	476	530
MSA : SACRAMENTO, CA		298	356	423	529	583
MSA : STOCKTON, CA		265	316	367	476	523
MSA : YUBA CITY, CA		256	307	354	462	520
COUNTY : ALPINE	CA	254	307	356	438	483
COUNTY : AMADOR	CA	267	318	374	473	520
COUNTY : CALAVERAS	CA	267	307	379	476	524
COUNTY : COLUSA	CA	267	319	371	463	511
COUNTY : GLENN	CA	267	319	371	463	511
COUNTY : LASSEN	CA	237	288	335	411	460
COUNTY : MODOC	CA	237	288	335	411	460
COUNTY : NEVADA	CA	284	340	403	501	567
COUNTY : PLUMAS	CA	286	332	397	518	572
COUNTY : SIERRA	CA	237	288	335	411	460
COUNTY : SISKIYOU	CA	237	288	335	411	460
COUNTY : TEHAMA	CA	237	288	335	411	460
COUNTY : TRINITY	CA	237	288	335	411	460
COUNTY : TUOLUMNE	CA	267	329	386	481	536
REGION - 9 SAN DIEGO, CALIFORNIA OFFICE						
MSA : SAN DIEGO, CA		369	439	505	631	691
COUNTY : IMPERIAL	CA	295	353	444	543	578
REGION - 9 SAN FRANCISCO, CALIFORNIA OFFICE						
PMSA : OAKLAND, CA		364	419	512	695	753
MSA : SALINAS-SEASIDE-MONTEREY, CA		311	386	448	607	646
PMSA : SAN FRANCISCO, CA		409	471	577	787	851
PMSA : SAN JOSE, CA		378	449	526	673	723
PMSA : SANTA CRUZ, CA		349	423	488	622	697
PMSA : SANTA ROSA-PETALUMA, CA		355	410	526	648	755
PMSA : VALLEJO-FAIRFIELD-NAPA, CA		366	397	501	709	771
COUNTY : DEL NORTE	CA	255	307	354	453	497
COUNTY : HUMBOLDT	CA	291	342	399	543	587
COUNTY : LAKE	CA	295	354	411	507	558
COUNTY : MENDOCINO	CA	285	355	430	571	622
COUNTY : SAN BENITO	CA	273	329	381	470	518
REGION - 9 LAS VEGAS, NEVADA OFFICE						
MSA : LAS VEGAS, NV		315	373	434	527	583
COUNTY : LINCOLN	NV	297	355	423	531	574
REGION - 9 SANTA ANA, CALIFORNIA OFFICE						
PMSA : ANAHEIM-SANTA ANA, CA		395	476	553	740	815

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 9 SANTA ANA, CALIFORNIA OFFICE						
PMSA : RIVERSIDE-SAN BERNARDINO, CA		340	397	461	610	691
COUNTY : INYO	CA	255	307	357	461	510
COUNTY : MONO	CA	241	292	340	420	464
REGION - 10 ANCHORAGE, ALASKA OFFICE						
MSA : ANCHORAGE, AK		527	636	687	840	960
CENSUS AREA : ALEUTIAN I.	AK	430	513	588	717	804
CENSUS AREA : BETHEL	AK	403	476	588	717	804
BOROUGH : BRISTOL BAY	AK	403	476	588	717	804
CENSUS AREA : DILLINGHAM	AK	403	476	588	717	804
BOROUGH : FAIRBKS-N.ST	AK	435	544	676	858	941
BOROUGH : HAINES	AK	403	476	588	717	804
BOROUGH : JUNEAU	AK	446	555	667	858	941
BOROUGH : KENAI-PENIN	AK	403	476	588	717	804
BOROUGH : KETCH-GATEWY	AK	429	518	693	883	952
CENSUS AREA : KOBUK	AK	403	476	588	717	804
BOROUGH : KODIAK ISLND	AK	430	513	588	717	804
BOROUGH : MATANUSKA-SU	AK	408	478	609	729	814
CENSUS AREA : NOME	AK	403	476	588	717	804
BOROUGH : NORTH SLOPE	AK	403	476	588	717	804
CENSUS AREA : P.WLS-O.KTCH	AK	403	476	588	717	804
BOROUGH : SITKA	AK	403	476	588	717	804
CENSUS AREA : SKGWY-YKT-AN	AK	403	476	588	717	804
CENSUS AREA : SE FAIRBANKS	AK	403	476	588	717	804
CENSUS AREA : VALDEZ-CORDO	AK	430	513	588	717	804
CENSUS AREA : WADE HAMPTON	AK	403	476	588	717	804
CENSUS AREA : WRNGLL-PTRBR	AK	403	476	588	717	804
CENSUS AREA : YKN-KOYKK	AK	403	476	588	717	804
REGION - 10 BOISE, IDAHO OFFICE						
MSA : BOISE CITY, ID		257	291	356	421	457
COUNTY : ADAMS	ID	236	284	328	404	448
COUNTY : BANNOCK	ID	258	314	361	443	487
COUNTY : BEAR LAKE	ID	214	259	307	375	420
COUNTY : BENEWAH	ID	233	280	323	401	441
COUNTY : BINGHAM	ID	258	314	361	443	487
COUNTY : BLAINE	ID	258	314	361	443	487
COUNTY : BOISE	ID	236	284	328	404	448
COUNTY : BONNER	ID	233	280	323	401	441
COUNTY : BONNEVILLE	ID	258	314	361	443	487
COUNTY : BOUNDARY	ID	233	280	323	401	441
COUNTY : BUTTE	ID	258	314	361	443	487
COUNTY : CAMAS	ID	258	314	361	443	487
COUNTY : CANYON	ID	236	284	328	404	448
COUNTY : CARIBOU	ID	258	314	361	443	487
COUNTY : CASSIA	ID	258	314	361	443	487
COUNTY : CLARK	ID	258	314	361	443	487
COUNTY : CLEARWATER	ID	233	280	323	401	441
COUNTY : CUSTER	ID	258	314	361	443	487
COUNTY : ELMORE	ID	236	284	328	404	448
COUNTY : FRANKLIN	ID	214	259	307	375	420
COUNTY : FREMONT	ID	258	314	361	443	487
COUNTY : GEM	ID	236	284	328	404	448
COUNTY : GOODING	ID	258	314	361	443	487
COUNTY : IDAHO	ID	233	280	323	401	441
COUNTY : JEFFERSON	ID	258	314	361	443	487
COUNTY : JEROME	ID	258	314	361	443	487
COUNTY : KOOTENAI	ID	233	280	323	401	441
COUNTY : LATAH	ID	245	280	324	401	441
COUNTY : LEMHI	ID	258	314	361	443	487
COUNTY : LEWIS	ID	233	280	323	401	441
COUNTY : LINCOLN	ID	258	314	361	443	487
COUNTY : MADISON	ID	258	314	361	443	487
COUNTY : MINIDOKA	ID	258	314	361	443	487
COUNTY : NEZ PERCE	ID	245	280	324	401	441
COUNTY : ONEIDA	ID	214	259	307	375	420
COUNTY : OWYHEE	ID	236	284	328	404	448
COUNTY : PAYETTE	ID	236	284	328	404	448
COUNTY : POWER	ID	258	314	361	443	487
COUNTY : SHOSHONE	ID	233	280	323	401	441
COUNTY : TETON	ID	258	314	361	443	487
COUNTY : TWIN FALLS	ID	258	314	361	443	487
COUNTY : VALLEY	ID	236	284	328	404	448
COUNTY : WASHINGTON	ID	236	284	328	404	448
REGION - 10 PORTLAND, OREGON OFFICE						
MSA : EUGENE-SPRINGFIELD, OR		263	295	349	461	514
MSA : MEDFORD, OR		235	288	357	443	480
PMSA : PORTLAND, OR		262	313	375	506	544
MSA : SALEM, OR		280	332	408	499	548
PMSA : VANCOUVER, WA		240 (5)	287 (7)	343 (7)	465 (12)	501 (14)
COUNTY : KLICKITAT	WA	214	257	302	371	410
COUNTY : SKAMANIA	WA	214	257	302	371	410
COUNTY : BAKER	OR	224	267	317	388	428

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0517

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 10 PORTLAND, OREGON OFFICE						
COUNTY : BENTON	OR	269	321	372	463	510
COUNTY : CLATSOP	OR	247	295	340	422	467
COUNTY : COLUMBIA	OR	247	295	340	422	467
COUNTY : COOS	OR	229	291	365	437	466
COUNTY : CROOK	OR	235	282	325	405	445
COUNTY : CURRY	OR	249	295	338	473	508
COUNTY : DESCHUTES	OR	237	288	354	435	467
COUNTY : DOUGLAS	OR	226	269	318	386	427
COUNTY : GILLIAM	OR	224	267	317	388	428
COUNTY : GRANT	OR	224	267	317	388	428
COUNTY : HARNEY	OR	236	284	328	404	448
COUNTY : HOOD RIVER	OR	214	257	302	371	410
COUNTY : JEFFERSON	OR	237	288	354	435	467
COUNTY : JOSEPHINE	OR	256	298	357	443	480
COUNTY : KLAMATH	OR	226	269	318	386	427
COUNTY : LAKE	OR	226	269	318	386	427
COUNTY : LINCOLN	OR	269	321	372	463	510
COUNTY : LINN	OR	269	321	372	463	510
COUNTY : MALHEUR	OR	236	284	328	404	448
COUNTY : MORROW	OR	224	267	317	388	428
COUNTY : SHERMAN	OR	214	257	302	371	410
COUNTY : TILLAMOOK	OR	247	295	340	422	467
COUNTY : UMATILLA	OR	200	241	282	348	386
COUNTY : UNION	OR	224	267	317	388	428
COUNTY : WALLOWA	OR	224	267	317	388	428
COUNTY : WASCO	OR	214	257	302	371	410
COUNTY : WHEELER	OR	224	267	317	388	428
REGION - 10 SEATTLE, WASHINGTON OFFICE						
MSA : BELLINGHAM, WA		277	335	391	552	604
MSA : BREMERTON, WA		296	348	423	585	672
MSA : OLYMPIA, WA		255	303	376	465	520
PMSA : SEATTLE, WA		328	395	461	613	663
PMSA : TACOMA, WA		270	312	381	518	561
MSA : YAKIMA, WA		218	311	357	464	512
COUNTY : CHELAN	WA	237	307	376	504	558
COUNTY : CLALLAM	WA	242	289	336	416	457
COUNTY : COWLITZ	WA	267	345	386	548	579
COUNTY : DOUGLAS	WA	237	307	376	504	558
COUNTY : GRAYS HARBOR	WA	267	319	371	463	511
COUNTY : ISLAND	WA	267	319	371	463	511
COUNTY : JEFFERSON	WA	260	307	352	441	484
COUNTY : KITTITAS	WA	224	267	317	388	428
COUNTY : LEWIS	WA	242	289	336	416	457
COUNTY : MASON	WA	267	319	371	463	511
COUNTY : OKANOGAN	WA	236	285	333	410	456
COUNTY : PACIFIC	WA	267	319	371	463	511
COUNTY : SAN JUAN	WA	267	319	371	463	511
COUNTY : SKAGIT	WA	267	319	371	463	511
COUNTY : WAHKIAKUM	WA	214	257	302	371	410
REGION - 10 SPOKANE, WASHINGTON OFFICE						
MSA : RICHLAND-KENNEWICK-PASCO, WA		265	319	385	507	554
MSA : SPOKANE, WA		266	308	371	474	525
COUNTY : ADAMS	WA	236	285	333	410	456
COUNTY : ASOTIN	WA	250	295	405	518	558
COUNTY : COLUMBIA	WA	236	285	333	410	456
COUNTY : FERRY	WA	205	278	337	426	479
COUNTY : GARFIELD	WA	236	285	333	410	456
COUNTY : GRANT	WA	236	285	333	410	456
COUNTY : LINCOLN	WA	236	285	333	410	456
COUNTY : PEND OREILLE	WA	205	278	337	426	479
COUNTY : STEVENS	WA	235	316	379	476	535
COUNTY : WALLA WALLA	WA	235	316	423	567	594
COUNTY : WHITMAN	WA	256	316	393	584	660

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS OFFICE		
NON METRO STATE: MAINE	95	109
MSA: BANGOR, ME	95	109
MSA: LEWISTON-AUBURN, ME	73	73
MSA: PORTLAND, ME	117	133
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	95	109
NON METRO STATE: NEW HAMPSHIRE	86	95
PMSA: LAWRENCE-HAVERHILL, MA-NH	102	109
PMSA: LOWELL, MA-NH	102	109
MSA: MANCHESTER, NH	98	107
PMSA: NASHUA, NH	116	116
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	95	109
NON METRO STATE: VERMONT	89	102
MSA: BURLINGTON, VT	89	102
NON METRO STATE: MASSACHUESETTS	116	116
PMSA: BOSTON, MA	108	116
PMSA: BROCKTON, MA	108	108
PMSA: FALL RIVER, MA-RI	73	73
MSA: FITCHBURG-LEOMINSTER, MA	87	87
PMSA: LAWRENCE-HAVERHILL, MA-NH	102	109
PMSA: LOWELL, MA-NH	102	109
MSA: NEW BEDFORD, MA	100	100
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	99	99
MSA: PITTSFIELD, MA	108	108
PMSA: SALEM-GLOUCESTER, MA	108	116
MSA: SPRINGFIELD, MA	85	85
MSA: WORCESTER, MA	75	75
NON METRO STATE: RHODE ISLAND	95	95
PMSA: FALL RIVER, MA-RI	73	73
MSA: NEW LONDON-NORWICH, CT-RI	99	99
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	99	99
PMSA: PROVIDENCE, RI	99	99
HARTFORD, CONNECTICUT OFFICE		
NON METRO STATE: CONNECTICUT	107	107
PMSA: BRIDGEPORT-MILFORD, CT	133	133
PMSA: BRISTOL, CT	107	107
PMSA: DANBURY, CT	102	102
PMSA: HARTFORD, CT	116	116
PMSA: MIDDLETOWN, CT	116	116
PMSA: NEW BRITAIN, CT	116	116
MSA: NEW HAVEN-MERIDEN, CT	104	104
MSA: NEW LONDON-NORWICH, CT-RI	99	99
PMSA: NORWALK, CT	125	125
MSA: SPRINGFIELD, MA	85	85
PMSA: STAMFORD, CT	125	125
MSA: WATERBURY, CT	107	107
BUFFALO, NEW YORK OFFICE		
NON METRO STATE: NEW YORK	102	102
MSA: ALBANY-SCHENECTADY-TROY, NY	116	116
MSA: BINGHAMTON, NY	77	77
PMSA: BUFFALO, NY	102	102
MSA: ELMIRA, NY	82	82
MSA: GLENS FALLS, NY	102	102
PMSA: NIAGARA FALLS, NY	98	98
PMSA: ORANGE COUNTY, NY	98	98
MSA: ROCHESTER, NY	116	116
MSA: SYRACUSE, NY	95	95
MSA: UTICA-ROME, NY	87	87
NEW YORK, NEW YORK OFFICE		
NON METRO STATE: NEW YORK	102	102

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: NASSAU-SUFFOLK, NY	137	177
PMSA: NEW YORK, NY	143	143
MSA: POUGHKEEPSIE, NY	131	131
NEWARK, NEW JERSEY OFFICE		
NON METRO STATE: NEW JERSEY	89	89
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	87	87
MSA: ATLANTIC CITY, NJ	135	135
PMSA: BERGEN-PASSAIC, NJ	179	180
PMSA: JERSEY CITY, NJ	173	173
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	203	203
PMSA: MONMOUTH-OCEAN, NJ	156	188
PMSA: NEW YORK, NY	143	143
PMSA: NEWARK, NJ	168	173
PMSA: PHILADELPHIA, PA-NJ	154	154
PMSA: TRENTON, NJ	137	137
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	121	121
PMSA: WILMINGTON, DE-NJ-MD	99	99
BALTIMORE, MARYLAND OFFICE		
NON METRO STATE: MARYLAND	106	106
MSA: BALTIMORE, MD	152	152
MSA: CUMBERLAND, MD-WV	106	106
MSA: HAGERSTOWN, MD	133	133
PMSA: WILMINGTON, DE-NJ-MD	99	99
EXCEPTION COUNTY: ST MARYS	128	128
PHILADELPHIA, PENNSYLVANIA OFFICE		
NON METRO STATE: PENNSYLVANIA	62	62
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	87	87
PMSA: BEAVER COUNTY, PA	73	73
MSA: HARRISBURG-LEBANON-CARLISLE, PA	90	90
MSA: LANCASTER, PA	83	83
PMSA: PHILADELPHIA, PA-NJ	154	154
MSA: READING, PA	83	83
MSA: SCRANTON--WILKES-BARRE, PA	80	80
MSA: SHARON, PA	62	62
MSA: STATE COLLEGE, PA	62	62
MSA: WILLIAMSPORT, PA	62	62
MSA: YORK, PA	83	83
EXCEPTION COUNTY: SUSQUEHANNA	70 (8)	70 (8)
NON METRO STATE: DELAWARE	61	61
PMSA: WILMINGTON, DE-NJ-MD	99	99
PITTSBURGH, PENNSYLVANIA OFFICE		
NON METRO STATE: PENNSYLVANIA	62	62
MSA: ALTOONA, PA	80	80
MSA: ERIE, PA	80	80
MSA: JOHNSTOWN, PA	80	80
PMSA: PITTSBURGH, PA	76	76
NON METRO STATE: WEST VIRGINIA	74	74
MSA: CHARLESTON, WV	80	80
MSA: CUMBERLAND, MD-WV	106	106
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	74	74
MSA: PARKERSBURG-MARIETTA, WV-OH	74	74
MSA: STEUBENVILLE-WEIRTON, OH-WV	66	66
MSA: WHEELING, WV-OH	68	68
EXCEPTION COUNTY: WIRT	72	72
RICHMOND, VIRGINIA OFFICE		
NON METRO STATE: VIRGINIA	77	77

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: CHARLOTTESVILLE, VA	77	77
MSA: DANVILLE, VA	77	77
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	74	74
MSA: LYNCHBURG, VA	68	68
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	107	107
MSA: RICHMOND-PETERSBURG, VA	105	105
MSA: ROANOKE, VA	74	74
EXCEPTION COUNTY: APPOMATTOX	66	66
EXCEPTION COUNTY: CRAIG	72	72
WASHINGTON, D.C. OFFICE		
MSA: WASHINGTON, DC-MD-VA	137	137
ATLANTA, GEORGIA OFFICE		
NON METRO STATE: GEORGIA	54	54
MSA: ALBANY, GA	47	50
MSA: ATHENS, GA	54	54
MSA: ATLANTA, GA	78	83
MSA: AUGUSTA, GA-SC	72	74
MSA: CHATTANOOGA, TN-GA	47	68
MSA: COLUMBUS, GA-AL	79	86
MSA: MACON-WARNER ROBINS, GA	48	53
MSA: SAVANNAH, GA	61	68
EXCEPTION COUNTY: BRYAN	57 (3)	64 (10)
EXCEPTION COUNTY: TWIGGS	47	52
BIRMINGHAM, ALABAMA OFFICE		
NON METRO STATE: ALABAMA	60	67
MSA: ANNISTON, AL	62	68
MSA: BIRMINGHAM, AL	86	95
MSA: COLUMBUS, GA-AL	79	86
MSA: DOTHAN, AL	58	65
MSA: FLORENCE, AL	68	74
MSA: GADSDEN, AL	62	68
MSA: HUNTSVILLE, AL	86	95
MSA: MOBILE, AL	69	75
MSA: MONTGOMERY, AL	69	74
MSA: TUSCALOOSA, AL	81	91
EXCEPTION COUNTY: LIMESTONE	81 (21)	89 (22)
EXCEPTION COUNTY: MARSHALL	81 (21)	89 (22)
COLUMBIA, SOUTH CAROLINA OFFICE		
NON METRO STATE: SOUTH CAROLINA	54	54
MSA: ANDERSON, SC	54	54
MSA: AUGUSTA, GA-SC	72	74
MSA: CHARLESTON, SC	68	68
MSA: COLUMBIA, SC	61	68
MSA: FLORENCE, SC	54	54
MSA: GREENVILLE-SPARTANBURG, SC	61	61
GREENSBORO, NORTH CAROLINA OFFICE		
NON METRO STATE: NORTH CAROLINA	48	61
MSA: ASHEVILLE, NC	68	80
MSA: BURLINGTON, NC	68	80
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	68	80
MSA: FAYETTEVILLE, NC	68	80
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	68	80
MSA: HICKORY, NC	48	61
MSA: JACKSONVILLE, NC	48	61
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	107	107
MSA: RALEIGH-DURHAM, NC	68	80
MSA: WILMINGTON, NC	68	80
EXCEPTION COUNTY: BRUNSWICK	64 (16)	76 (15)
EXCEPTION COUNTY: CURRITUCK	101 (53)	101 (40)
EXCEPTION COUNTY: MADISON	64 (16)	76 (15)
JACKSON, MISSISSIPPI OFFICE		
NON METRO STATE: MISSISSIPPI	69	81

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: BILOXI-GULFPORT, MS	80	94
MSA: JACKSON, MS	86	105
MSA: MEMPHIS, TN-AR-MS	80	80
MSA: PASCAGOULA, MS	68	80
EXCEPTION COUNTY: STONE	76 (7)	88 (7)
JACKSONVILLE, FLORIDA OFFICE		
NON METRO STATE: FLORIDA	74	74
MSA: BRADENTON, FL	105	105
MSA: DAYTONA BEACH, FL	94	94
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	157	157
MSA: FORT MYERS, FL	99	99
MSA: FORT PIERCE, FL	72	72
MSA: FORT WALTON BEACH, FL	74	74
MSA: GAINESVILLE, FL	74	74
MSA: JACKSONVILLE, FL	68	80
MSA: LAKELAND-WINTER HAVEN, FL	74	74
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	86	86
PMSA: MIAMI-HIALEAH, FL	124	124
MSA: OCALA, FL	74	74
MSA: ORLANDO, FL	86	86
MSA: PANAMA CITY, FL	74	74
MSA: PENSACOLA, FL	74	74
MSA: SARASOTA, FL	99	99
MSA: TALLAHASSEE, FL	68	68
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	99	99
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	124	124
EXCEPTION COUNTY: BAKER	66	78
EXCEPTION COUNTY: WAKULLA	66	78
LOUISVILLE, KENTUCKY OFFICE		
NON METRO STATE: KENTUCKY	65	71
PMSA: CINCINNATI, OH-KY-IN	95	100
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	68	74
MSA: EVANSVILLE, IN-KY	65	69
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	74	74
MSA: LEXINGTON-FAYETTE, KY	81	92
MSA: LOUISVILLE, KY-IN	70	77
MSA: OWENSBORO, KY	75	88
KNOXVILLE, TENNESSEE OFFICE		
NON METRO STATE: TENNESSEE	54	54
MSA: CHATTANOOGA, TN-GA	47	68
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	68	74
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	74	74
MSA: KNOXVILLE, TN	61	61
MSA: MEMPHIS, TN-AR-MS	80	80
MSA: NASHVILLE, TN	80	94
CHICAGO, ILLINOIS OFFICE		
NON METRO STATE: ILLINOIS	90	95
PMSA: ALTON-GRANITE CITY, IL	86	91
PMSA: AURORA-ELGIN, IL	171	183
MSA: BLOOMINGTON-NORMAL, IL	100	100
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	82	82
PMSA: CHICAGO, IL	180	192
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	109	114
MSA: DECATUR, IL	109	109
PMSA: EAST ST. LOUIS-BELLEVILLE, IL	86	91
PMSA: JOLIET, IL	180	192
MSA: KANKAKEE, IL	80	80
PMSA: LAKE COUNTY, IL	171	183
MSA: PEORIA, IL	147	161
MSA: ROCKFORD, IL	144	155
PMSA: ST. LOUIS, MO-IL	83	95
MSA: SPRINGFIELD, IL	95	102
COLUMBUS, OHIO OFFICE		
NON METRO STATE: OHIO	63	63

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: AKRON, OH	95	95
MSA: CANTON, OH	68	68
PMSA: CINCINNATI, OH-KY-IN	95	100
PMSA: CLEVELAND, OH	102	102
MSA: COLUMBUS, OH	88	102
MSA: DAYTON-SPRINGFIELD, OH	68	68
PMSA: HAMILTON-MIDDLETOWN, OH	77	80
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	74	74
MSA: LIMA, OH	88	88
PMSA: LORAIN-ELYRIA, OH	109	109
MSA: MANSFIELD, OH	83	83
MSA: PARKERSBURG-MARIETTA, WV-OH	74	74
MSA: STEUBENVILLE-WEIRTON, OH-WV	66	66
MSA: TOLEDO, OH	109	147
MSA: WHEELING, WV-OH	68	68
MSA: YOUNGSTOWN-WARREN, OH	83	83
EXCEPTION COUNTY: CHAMPAIGN	65 (2)	78 (15)
EXCEPTION COUNTY: OTTAWA	100 (37)	134 (71)
EXCEPTION COUNTY: PREBLE	63	63
EXCEPTION COUNTY: PUTNAM	81 (18)	81 (18)
EXCEPTION COUNTY: VAN WERT	81 (18)	81 (18)
DETROIT, MICHIGAN OFFICE		
NON METRO STATE: MICHIGAN	95	107
PMSA: ANN ARBOR, MI	129	139
MSA: BATTLE CREEK, MI	83	95
MSA: BENTON HARBOR, MI	95	107
PMSA: DETROIT, MI	126	135
MSA: FLINT, MI	116	116
MSA: GRAND RAPIDS, MI	88	94
MSA: JACKSON, MI	95	95
MSA: KALAMAZOO, MI	101	104
MSA: LANSING-EAST LANSING, MI	112	129
MSA: MUSKEGON, MI	88	90
MSA: SAGINAW-BAY CITY-MIDLAND, MI	102	102
MSA: TOLEDO, OH	109	147
EXCEPTION COUNTY: BARRY	79	91
EXCEPTION COUNTY: IONIA	103 (8)	118 (11)
EXCEPTION COUNTY: OCEANA	84	86
EXCEPTION COUNTY: SHIAWASSEE	111	111
EXCEPTION COUNTY: VAN BUREN	95	99
INDIANAPOLIS, INDIANA OFFICE		
NON METRO STATE: INDIANA	49	64
MSA: ANDERSON, IN	55	55
MSA: BLOOMINGTON, IN	52	52
PMSA: CINCINNATI, OH-KY-IN	95	100
MSA: ELKHART-GOSHEN, IN	71	71
MSA: EVANSVILLE, IN-KY	65	69
MSA: FORT WAYNE, IN	62	82
PMSA: GARY-HAMMOND, IN	87	101
MSA: INDIANAPOLIS, IN	77	88
MSA: KOKOMO, IN	71	81
MSA: LAFAYETTE, IN	66	96
MSA: LOUISVILLE, KY-IN	70	77
MSA: MUNCIE, IN	53	60
MSA: SOUTH BEND-MISHAWAKA, IN	81	85
MSA: TERRE HAUTE, IN	52	64
EXCEPTION COUNTY: ADAMS	57 (8)	75 (11)
EXCEPTION COUNTY: BLACKFORD	56	64
EXCEPTION COUNTY: GIBSON	60 (11)	64
EXCEPTION COUNTY: GRANT	56	64
EXCEPTION COUNTY: HENRY	56	64
EXCEPTION COUNTY: JAY	56	64
EXCEPTION COUNTY: MARSHALL	74 (25)	78 (14)
EXCEPTION COUNTY: RANDOLPH	56	64
EXCEPTION COUNTY: SULLIVAN	50	61
EXCEPTION COUNTY: VERMILLION	50	61
EXCEPTION COUNTY: WAYNE	56	64
EXCEPTION COUNTY: WELLS	57 (8)	75 (11)
MILWAUKEE, WISCONSIN OFFICE		
NON METRO STATE: WISCONSIN	77	83

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: APPLETON-OSHKOSH-NEENAH, WI	95	102
MSA: DULUTH, MN-WI	71	80
MSA: EAU CLAIRE, WI	90	96
MSA: GREEN BAY, WI	93	100
MSA: JANESVILLE-BELOIT, WI	93	100
PMSA: KENOSHA, WI	100	106
MSA: LA CROSSE, WI	85	92
MSA: MADISON, WI	140	146
PMSA: MILWAUKEE, WI	109	114
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	136	136
PMSA: RACINE, WI	101	108
MSA: SHEBOYGAN, WI	77	83
MSA: WAUSAU, WI	77	83
MINNEAPOLIS-ST. PAUL, MINNESOTA OFFICE		
NON METRO STATE: MINNESOTA	69	69
MSA: DULUTH, MN-WI	71	80
MSA: FARGO-MOORHEAD, ND-MN	108	122
MSA: GRAND FORKS, ND	93	115
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	136	136
MSA: ROCHESTER, MN	99	99
MSA: ST. CLOUD, MN	88	88
EXCEPTION COUNTY: POLK	86 (17)	106 (37)
DALLAS, TEXAS OFFICE		
NON METRO STATE: TEXAS	59	72
MSA: ABILENE, TX	50	57
MSA: AMARILLO, TX	92	97
MSA: BEAUMONT-PORT ARTHUR, TX	86	99
PMSA: BRAZORIA, TX	102	119
MSA: BRYAN-COLLEGE STATION, TX	83	94
PMSA: DALLAS, TX	74	94
MSA: EL PASO, TX	96	108
PMSA: FORT WORTH-ARLINGTON, TX	74	94
PMSA: GALVESTON-TEXAS CITY, TX	99	111
PMSA: HOUSTON, TX	105	123
MSA: KILLEEN-TEMPLE, TX	86	94
MSA: LONGVIEW-MARSHALL, TX	80	91
MSA: LUBBOCK, TX	91	94
MSA: MIDLAND, TX	94	99
MSA: ODESSA, TX	94	99
MSA: SAN ANGELO, TX	80	86
MSA: SHERMAN-DENISON, TX	74	86
MSA: TEXARKANA, TX-TEXARKANA, AR	94	105
MSA: TYLER, TX	74	78
MSA: WACO, TX	77	86
MSA: WICHITA FALLS, TX	54	61
EXCEPTION COUNTY: CALLAHAN	49	55
EXCEPTION COUNTY: CLAY	53	59
EXCEPTION COUNTY: HOOD	70 (11)	88 (16)
EXCEPTION COUNTY: JONES	49	55
EXCEPTION COUNTY: WISE	70 (11)	88 (16)
NON METRO STATE: NEW MEXICO	82	93
MSA: ALBUQUERQUE, NM	91	105
EXCEPTION COUNTY: SANDOVAL	86	98
LITTLE ROCK, ARKANSAS OFFICE		
NON METRO STATE: ARKANSAS	35	39
MSA: FAYETTEVILLE-SPRINGDALE, AR	55	59
MSA: FORT SMITH, AR-OK	32	35
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	46	48
MSA: MEMPHIS, TN-AR-MS	80	80
MSA: PINE BLUFF, AR	25	27
MSA: TEXARKANA, TX-TEXARKANA, AR	94	105
EXCEPTION COUNTY: BENTON	53 (18)	55 (16)
EXCEPTION COUNTY: LITTLE RIVER	88 (53)	99 (60)
NEW ORLEANS, LOUISIANA OFFICE		
NON METRO STATE: LOUISIANA	69	81

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: ALEXANDRIA, LA	68	80
MSA: BATON ROUGE, LA	80	94
MSA: HOUMA-THIBODAUX, LA	67	79
MSA: LAFAYETTE, LA	74	86
MSA: LAKE CHARLES, LA	79	92
MSA: MONROE, LA	68	80
MSA: NEW ORLEANS, LA	83	97
MSA: SHREVEPORT, LA	74	86
EXCEPTION COUNTY: GRANT	66	78
EXCEPTION COUNTY: WEBSTER	70 (1)	81
OKLAHOMA CITY, OKLAHOMA OFFICE		
NON METRO STATE: OKLAHOMA	66	72
MSA: FORT SMITH, AR-OK	32	35
MSA: LAWTON, OK	67	74
MSA: OKLAHOMA CITY, OK	69	77
MSA: TULSA, OK	74	80
EXCEPTION COUNTY: LE FLORE	31	34
EXCEPTION COUNTY: MAYES	70 (4)	76 (4)
SAN ANTONIO, TEXAS OFFICE		
NON METRO STATE: TEXAS	59	72
MSA: AUSTIN, TX	83	99
MSA: BROWNSVILLE-HARLINGEN, TX	68	80
MSA: CORPUS CHRISTI, TX	72	94
MSA: LAREDO, TX	61	74
MSA: MC ALLEN-EDINBURG-MISSION, TX	79	94
MSA: SAN ANTONIO, TX	68	80
MSA: VICTORIA, TX	59	72
KANSAS CITY, MISSOURI OFFICE		
NON METRO STATE: MISSOURI	54	61
MSA: JOPLIN, MO	54	61
PMSA: KANSAS CITY, MO	84	102
MSA: ST. JOSEPH, MO	73	85
MSA: SPRINGFIELD, MO	56	62
EXCEPTION COUNTY: ANDREW	75	81
NON METRO STATE: KANSAS	68	77
PMSA: KANSAS CITY, KS	84	102
MSA: LAWRENCE, KS	69	79
MSA: TOPEKA, KS	68	77
MSA: WICHITA, KS	79	84
EXCEPTION COUNTY: JEFFERSON	65	74
EXCEPTION COUNTY: OSAGE	65	74
OMAHA, NEBRASKA OFFICE		
NON METRO STATE: IOWA	77	83
MSA: CEDAR RAPIDS, IA	88	102
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	109	114
MSA: DES MOINES, IA	93	100
MSA: DUBUQUE, IA	88	108
MSA: IOWA CITY, IA	88	100
MSA: OMAHA, NE-IA	83	95
MSA: SIOUX CITY, IA-NE	85	85
MSA: WATERLOO-CEDAR FALLS, IA	88	102
NON METRO STATE: NEBRASKA	70	86
MSA: LINCOLN, NE	94	100
MSA: OMAHA, NE-IA	83	95
MSA: SIOUX CITY, IA-NE	85	85
ST. LOUIS, MISSOURI OFFICE		
NON METRO STATE: MISSOURI	54	61

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: COLUMBIA, MO	77	83
PMSA: ST. LOUIS, MO-IL	83	95
DENVER, COLORADO REGIONAL OFFICE		
NON METRO STATE: NORTH DAKOTA	87	100
MSA: BISMARCK, ND	123	136
MSA: FARGO-MOORHEAD, ND-MN	108	122
MSA: GRAND FORKS, ND	93	115
NON METRO STATE: SOUTH DAKOTA	74	87
MSA: SIOUX FALLS, SD	104	116
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	135	150
MSA: GREAT FALLS, MT	114	128
EXCEPTION COUNTY: BEAVERHEAD	108	122
EXCEPTION COUNTY: BIG HORN	108	122
EXCEPTION COUNTY: BLAINE	78	91
EXCEPTION COUNTY: BROADWATER	108	122
EXCEPTION COUNTY: CARBON	108	122
EXCEPTION COUNTY: CARTER	78	91
EXCEPTION COUNTY: CHOUTEAU	78	91
EXCEPTION COUNTY: CUSTER	108	122
EXCEPTION COUNTY: DANIELS	78	91
EXCEPTION COUNTY: DAWSON	108	122
EXCEPTION COUNTY: DEER LODGE	108	122
EXCEPTION COUNTY: FALLON	78	91
EXCEPTION COUNTY: FERGUS	78	91
EXCEPTION COUNTY: FLATHEAD	108	122
EXCEPTION COUNTY: GALLATIN	108	122
EXCEPTION COUNTY: GARFIELD	78	91
EXCEPTION COUNTY: GLACIER	78	91
EXCEPTION COUNTY: GOLDEN VALLE	78	91
EXCEPTION COUNTY: GRANITE	108	122
EXCEPTION COUNTY: HILL	78	91
EXCEPTION COUNTY: JEFFERSON	108	122
EXCEPTION COUNTY: JUDITH BASIN	78	91
EXCEPTION COUNTY: LAKE	108	122
EXCEPTION COUNTY: LEWIS+ CLARK	108	122
EXCEPTION COUNTY: LIBERTY	78	91
EXCEPTION COUNTY: LINCOLN	108	122
EXCEPTION COUNTY: MCCONE	78	91
EXCEPTION COUNTY: MADISON	108	122
EXCEPTION COUNTY: MEAGHER	108	122
EXCEPTION COUNTY: MINERAL	108	122
EXCEPTION COUNTY: MISSOULA	108	122
EXCEPTION COUNTY: MUSSELSHELL	108	122
EXCEPTION COUNTY: PARK	108	122
EXCEPTION COUNTY: PETROLEUM	78	91
EXCEPTION COUNTY: PHILLIPS	78	91
EXCEPTION COUNTY: PONDERA	78	91
EXCEPTION COUNTY: POWDER RIVER	108	122
EXCEPTION COUNTY: POWELL	108	122
EXCEPTION COUNTY: PRAIRIE	78	91
EXCEPTION COUNTY: RAVALLI	108	122
EXCEPTION COUNTY: RICHLAND	78	91
EXCEPTION COUNTY: ROOSEVELT	78	91
EXCEPTION COUNTY: ROSEBUD	108	122
EXCEPTION COUNTY: SANDERS	108	122
EXCEPTION COUNTY: SHERIDAN	78	91
EXCEPTION COUNTY: SILVER BOW	108	122
EXCEPTION COUNTY: STILLWATER	78	91
EXCEPTION COUNTY: SWEET GRASS	78	91
EXCEPTION COUNTY: TETON	78	91
EXCEPTION COUNTY: TOOLE	78	91
EXCEPTION COUNTY: TREASURE	108	122
EXCEPTION COUNTY: VALLEY	78	91
EXCEPTION COUNTY: WHEATLAND	78	91
EXCEPTION COUNTY: WIBAUX	78	91
EXCEPTION COUNTY: YL-ST-NT-PK	108	122
NON METRO STATE: WYOMING	N/A	N/A
MSA: CASPER, WY	181	195

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: ALBANY	108	129
EXCEPTION COUNTY: BIG HORN	108	129
EXCEPTION COUNTY: CAMPBELL	181	195
EXCEPTION COUNTY: CARBON	181	195
EXCEPTION COUNTY: CONVERSE	181	195
EXCEPTION COUNTY: CROOK	108	129
EXCEPTION COUNTY: FREMONT	181	195
EXCEPTION COUNTY: GOSHEN	108	129
EXCEPTION COUNTY: HOT SPRINGS	108	129
EXCEPTION COUNTY: JOHNSON	108	129
EXCEPTION COUNTY: LARAMIE	108	129
EXCEPTION COUNTY: LINCOLN	108	129
EXCEPTION COUNTY: NIOBRARA	108	129
EXCEPTION COUNTY: PARK	108	129
EXCEPTION COUNTY: PLATTE	108	129
EXCEPTION COUNTY: SHERIDAN	181	195
EXCEPTION COUNTY: SUBLETTE	108	129
EXCEPTION COUNTY: SWEETWATER	181	195
EXCEPTION COUNTY: TETON	108	129
EXCEPTION COUNTY: UINTA	108	129
EXCEPTION COUNTY: WASHAKIE	108	129
EXCEPTION COUNTY: WESTON	108	129
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	174	200
MSA: COLORADO SPRINGS, CO	114	128
PMSA: DENVER, CO	186	214
MSA: FORT COLLINS-LOVELAND, CO	108	122
MSA: GREELEY, CO	108	122
MSA: PUEBLO, CO	108	122
EXCEPTION COUNTY: ALAMOSA	91	108
EXCEPTION COUNTY: ARCHULETA	108	122
EXCEPTION COUNTY: BACA	91	108
EXCEPTION COUNTY: BENT	91	108
EXCEPTION COUNTY: CHAFFEE	108	122
EXCEPTION COUNTY: CHEYENNE	91	108
EXCEPTION COUNTY: CLEAR CREEK	108	122
EXCEPTION COUNTY: CONEJOS	91	108
EXCEPTION COUNTY: COSTILLA	91	108
EXCEPTION COUNTY: CROWLEY	91	108
EXCEPTION COUNTY: CUSTER	108	122
EXCEPTION COUNTY: DELTA	108	122
EXCEPTION COUNTY: DELORES	108	122
EXCEPTION COUNTY: EAGLE	174	195
EXCEPTION COUNTY: ELBERT	91	108
EXCEPTION COUNTY: FREMONT	108	122
EXCEPTION COUNTY: GARFIELD	174	195
EXCEPTION COUNTY: GILPIN	164 (73)	189 (81)
EXCEPTION COUNTY: GRAND	108	122
EXCEPTION COUNTY: GUNNISON	108	122
EXCEPTION COUNTY: HINSDALE	108	122
EXCEPTION COUNTY: HUERFANO	91	108
EXCEPTION COUNTY: JACKSON	108	122
EXCEPTION COUNTY: KIOWA	91	108
EXCEPTION COUNTY: KIT CARSON	91	108
EXCEPTION COUNTY: LAKE	108	122
EXCEPTION COUNTY: LA PLATA	108	122
EXCEPTION COUNTY: LAS ANIMAS	91	108
EXCEPTION COUNTY: LINCOLN	91	108
EXCEPTION COUNTY: LOGAN	91	108
EXCEPTION COUNTY: MESA	108	122
EXCEPTION COUNTY: MINERAL	91	108
EXCEPTION COUNTY: MOFFAT	174	195
EXCEPTION COUNTY: MONTEZUMA	108	122
EXCEPTION COUNTY: MONTROSE	108	122
EXCEPTION COUNTY: MORGAN	91	108
EXCEPTION COUNTY: OTERO	91	108
EXCEPTION COUNTY: OURAY	108	122
EXCEPTION COUNTY: PARK	108	122
EXCEPTION COUNTY: PHILLIPS	91	108
EXCEPTION COUNTY: PITKIN	174	195
EXCEPTION COUNTY: PROWERS	91	108
EXCEPTION COUNTY: RIO BLANCO	174	195
EXCEPTION COUNTY: RIO GRANDE	91	108
EXCEPTION COUNTY: ROUTT	174	195
EXCEPTION COUNTY: SAGUACHE	91	108
EXCEPTION COUNTY: SAN JUAN	108	122
EXCEPTION COUNTY: SAN MIGUEL	108	122
EXCEPTION COUNTY: SEDGWICK	91	108
EXCEPTION COUNTY: SUMMIT	174	195

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: TELLER	101 (10)	113 (5)
EXCEPTION COUNTY: WASHINGTON	91	108
EXCEPTION COUNTY: YUMA	91	108
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	108	122
MSA: SALT LAKE CITY-OGDEN, UT	122	135
EXCEPTION COUNTY: BEAVER	78	91
EXCEPTION COUNTY: BOX ELDER	78	91
EXCEPTION COUNTY: CACHE	78	91
EXCEPTION COUNTY: CARBON	108	122
EXCEPTION COUNTY: DAGGETT	78	91
EXCEPTION COUNTY: DUCHESNE	78	91
EXCEPTION COUNTY: EMERY	108	122
EXCEPTION COUNTY: GARFIELD	78	91
EXCEPTION COUNTY: GRAND	108	122
EXCEPTION COUNTY: IRON	78	91
EXCEPTION COUNTY: JUAB	78	91
EXCEPTION COUNTY: KANE	78	91
EXCEPTION COUNTY: MILLARD	78	91
EXCEPTION COUNTY: MORGAN	78	91
EXCEPTION COUNTY: PIUTE	78	91
EXCEPTION COUNTY: RICH	78	91
EXCEPTION COUNTY: SAN JUAN	78	91
EXCEPTION COUNTY: SANPETE	78	91
EXCEPTION COUNTY: SEVIER	78	91
EXCEPTION COUNTY: SUMMIT	108 (43)	120 (43)
EXCEPTION COUNTY: TOOELE	108	122
EXCEPTION COUNTY: UINTAH	78	91
EXCEPTION COUNTY: WASATCH	78	91
EXCEPTION COUNTY: WASHINGTON	78	91
EXCEPTION COUNTY: WAYNE		
HONOLULU, HAWAII OFFICE		
MSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA OFFICE		
NON METRO STATE: ARIZONA	78	99
MSA: PHOENIX, AZ	108	128
MSA: TUCSON, AZ	78	108
NON METRO STATE: CALIFORNIA	122	159
PMSA: ANAHEIM-SANTA ANA, CA	237	237
MSA: BAKERSFIELD, CA	114	173
MSA: CHICO, CA	122	159
PMSA: LOS ANGELES-LONG BEACH, CA	135	225
PMSA: OXNARD-VENTURA, CA	150	260
MSA: REDDING, CA	122	159
PMSA: RIVERSIDE-SAN BERNARDINO, CA	114	181
MSA: SAN DIEGO, CA	173	217
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	143	217
MSA: VISALIA-TULARE-PORTERVILLE, CA	122	159
MSA: YUBA CITY, CA	122	159
EXCEPTION COUNTY: SAN LUIS OBI	166	195
SAN FRANCISCO, CALIFORNIA OFFICE		
NON METRO STATE: NEVADA	86	99
MSA: LAS VEGAS, NV	181	201
MSA: RENO, NV	181	201
NON METRO STATE: CALIFORNIA	122	159
MSA: FRESNO, CA	173	195
MSA: MODESTO, CA	181	195
PMSA: OAKLAND, CA	186	243
MSA: SACRAMENTO, CA	140	167
MSA: SALINAS-SEASIDE-MONTEREY, CA	173	217
PMSA: SAN FRANCISCO, CA	200	260
PMSA: SAN JOSE, CA	181	268
PMSA: SANTA CRUZ, CA	173	217
PMSA: SANTA ROSA-PETALUMA, CA	173	209
MSA: STOCKTON, CA	181	195
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	165	187

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
ANCHORAGE, ALASKA OFFICE		
NON METRO STATE: ALASKA	189	189
MSA: ANCHORAGE, AK	210	210
EXCEPTION COUNTY: KETCHIKAN	193 (4)	214 (25)
PORTLAND, OREGON OFFICE		
NON METRO STATE: IDAHO	91	91
MSA: BOISE CITY, ID	98	113
NON METRO STATE: OREGON	115	122
MSA: EUGENE-SPRINGFIELD, OR	135	139
MSA: MEDFORD, OR	115	122
PMSA: PORTLAND, OR	158	175
MSA: SALEM, OR	135	139
SEATTLE, WASHINGTON OFFICE		
NON METRO STATE: WASHINGTON	99	115
MSA: BELLINGHAM, WA	99	127
MSA: BREMERTON, WA	99	127
MSA: OLYMPIA, WA	99	127
MSA: RICHLAND-KENNEWICK-PASCO, WA	135	135
PMSA: SEATTLE, WA	128	181
MSA: SPOKANE, WA	108	122
PMSA: TACOMA, WA	114	135
PMSA: VANCOUVER, WA	147	163
MSA: YAKIMA, WA	108	114

(A) PREPARED BY HUD - EMAD (CO), FEBRUARY 01, 1984

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FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
40	ABILENE, TX MSA	Taylor County (Callahan and Jones Counties deleted)
60	AGUADILLA, PR MSA (new)	Aguada, Aguadilla, Isabela, and Moca Municipios
80	AKRON, OH PMSA	(See CLEVELAND-AKRON-LORAIN, OH CMSA)
120	ALBANY, GA MSA	Dougherty and Lee Counties
160	ALBANY-SCHENECTADY-TROY, NY MSA	Albany, Greene (added), Montgomery, Rensselaer, Saratoga, and Schenectady Counties
200	ALBUQUERQUE, NM MSA	Bernalillo County (Sandoval County deleted)
220	ALEXANDRIA, LA MSA	Rapides Parish (Grant Parish deleted)
240	ALLENTOWN-BETHLEHEM, PA-NJ MSA	Carbon, Lehigh, and Northampton Counties, PA, and Warren County, NJ
275	ALTON-GRANITE CITY, IL PMSA	(See ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA)
280	ALTOONA, PA MSA	Blair County
320	AMARILLO, TX MSA	Potter and Randall Counties
360	ANAHEIM-SANTA ANA, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
380	ANCHORAGE, AK MSA	Anchorage Borough
400	ANDERSON, IN MSA	Madison County
405	ANDERSON, SC MSA	Anderson County
440	ANN ARBOR, MI PMSA	(See DETROIT-ANN ARBOR, MI CMSA)
450	ANNISTON, AL MSA	Calhoun County
460	APPLETON-OSHKOSH-NEENAH, WI MSA	Calumet, Outagamie, and Winnebago Counties
470	ARECIBO, PR MSA	Arecibo, Camuy, Hatillo, and Quebradillas (added) Municipios
480	ASHEVILLE, NC MSA	Buncombe County (Madison County deleted)
500	ATHENS, GA MSA	Clarke, Jackson, Madison, and Oconee Counties
520	ATLANTA, GA MSA	Barrow (added), Butts, Cherokee, Clayton, Cobb, Coweta (added), De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding (added), and Walton Counties
560	ATLANTIC CITY, NJ MSA	Atlantic and Cape May (added) Counties
600	AUGUSTA, GA-SC MSA	Columbia, McDuffie (added), and Richmond Counties, GA, and Aiken County, SC
620	AURORA-ELGIN, IL PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
640	AUSTIN, TX MSA	Hays, Travis, and Williamson Counties
680	BAKERSFIELD, CA MSA	Kern County
720	BALTIMORE, MD MSA	Anne Arundel, Baltimore, Carroll, Hartford, Howard, Queen Anne's (added) Counties, and Baltimore City
730	BANGOR, ME MSA	PENOBSCOT COUNTY (part): Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Indian Reservation, and Veazie town WALDO COUNTY (part): Winterport town

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
760	BATON ROUGE, LA MSA	Ascension, East Baton Rouge, Livingston, and West Baton Rouge Parishes
780	BATTLE CREEK, MI MSA	Calhoun County (Barry County deleted)
800	BAY CITY, MI	(See Saginaw-Bay City-Midland, MI)
840	BEAUMONT-PORT ARTHUR, TX MSA	Hardin, Jefferson, and Orange Counties
845	BEAVER COUNTY, PA PMSA	(See PITTSBURGH-BEAVER VALLEY, PA CMSA)
860	BELLINGHAM, WA MSA	Whatcom County
870	BENTON HARBOR, MI MSA	Berrien County
875	BERGEN-PASSAIC, NJ PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
880	BILLINGS, MT MSA	Yellowstone County
920	BILOXI-GULFPORT, MS MSA	Hancock and Harrison Counties (Stone County deleted)
960	BINGHAMTON, NY MSA	Broome and Tioga Counties (Susquehanna County, PA deleted)
1000	BIRMINGHAM, AL MSA	Blount (added), Jefferson, St. Clair, Shelby, and Walker Counties
1010	BISMARCK, ND MSA	Burleigh and Morton Counties
1020	BLOOMINGTON, IN MSA	Monroe County
1040	BLOOMINGTON-NORMAL, IL MSA	McLean County
1080	BOISE CITY, ID MSA	Ada County
	BOSTON-LAWRENCE-SALEM, MA-NH CMSA	
1120	BOSTON, MA PMSA	BRISTOL COUNTY, MA (part): Mansfield town (added), Norton town, and Raynham town (added) ESSEX COUNTY, MA (part): Lynn city, Lynnfield town, Nahant town, and Saugus town MIDDLESEX COUNTY, MA (part): Acton town, Arlington town, Ashland town, Ayer town (added), Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Groton town (added), Holliston town, Hopkinton town (added), Hudson town (added), Lexington town, Lincoln town, Littleton town (added), Malden city, Marlborough city (added), Maynard town (added), Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town (added), Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, and Woburn city NORFOLK COUNTY, MA (part): 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, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, and Wrentham town
1120	BOSTON, MA PMSA (continued)	PLYMOUTH COUNTY, MA (part): Carver town (added), Duxbury town, Hanover town, Hanson town, Hingham town, Hull town, Kingston town, Lakeville town, Marshfield town, Middleborough town (added), Norwell town, Pembroke town, Plymouth town (added), Plympton town (added), Rockland town, and Scituate town SUFFOLK COUNTY, MA: Boston city, Chelsea city, Revere city, and Winthrop town WORCESTER COUNTY, MA (part): Berlin town, Bolton town (added), Harvard town (added), Hopedale town (added), Lancaster town (added), Mendon town (added), Milford town (added), Southborough town (added), and Upton town
1200	BROCKTON, MA PMSA	BRISTOL COUNTY, MA (part): Easton town NORFOLK COUNTY, MA (part): Avon town PLYMOUTH COUNTY, MA (part): Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, West Bridgewater town, and Whitman town
4160	LAWRENCE-HAVERHILL, MA-NH PMSA	ESSEX COUNTY, MA (part): Amesbury town, Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, Newbury town (added), Newburyport city (added), North Andover town, Salisbury town, and West Newbury town ROCKINGHAM COUNTY, NH (part): Atkinson town, Brentwood town (added), Danville town (added), Derry town, East Kingston town (added), Hampstead town, Kingston town, Newton town, Plaistow town, Salem town, Sandown town (added), Seabrook town (added), and Windham town
4560	LOWELL, MA-NH PMSA	MIDDLESEX COUNTY, MA (part): Billerica town, Chelmsford town, Dracut town, Dunstable town (added), Lowell city, Pepperell town (added), Tewksbury town, Tyngsborough town, and Westford town HILLSBOROUGH COUNTY, NH (part): Pelham town
5350	NASHUA, NH PMSA	HILLSBOROUGH COUNTY, NH (part): Amherst town, Brookline town (added), Hollis town (added), Hudson town, Litchfield town (added), Merrimack town, Milford town, Mont Vernon town (added), Nashua city, and Wilton town (added) ROCKINGHAM COUNTY, NH (part): Londonderry town
7090	SALEM-GLOUCESTER, MA PMSA	ESSEX COUNTY, MA (part): Beverly city, Danvers town, Essex town (added), Gloucester city (added), Hamilton town, Ipswich town (added), Manchester town, Marblehead town, Middleton town, Peabody city, Rockport town (added), Rowley town (added), Salem city, Swampscott town, Topsfield town, and Wenham town

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
1125	BOULDER-LONGMONT, CO PMSA	(See DENVER-BOULDER, CO CMSA)
1140	BRADENTON, FL MSA	Manatee County
1145	BRAZORIA, TX PMSA	(See HOUSTON-GALVESTON-BRAZORIA, TX CMSA)
1150	BREMERTON, WA MSA	Kitsap County
1160	BRIDGEPORT-MILFORD, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
1170	BRISTOL, CT PMSA	(See HARTFORD-NEW BRITAIN-MIDDLETON, CT CMSA)
1200	BROCKTON, MA PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
1240	BROWNSVILLE-HARLINGEN, TX MSA	Cameron County
1260	BRYAN-COLLEGE STATION, TX MSA	Brazos County
	BUFFALO-NIAGARA FALLS, NY CMSA	
1280	BUFFALO, NY PMSA	Erie County
5700	NIAGARA FALLS, NY PMSA	Niagara County
1300	BURLINGTON, NC MSA	Alamance County
1305	BURLINGTON, VT MSA	CHITTENDEN COUNTY (part): Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Williston town, and Winooski city FRANKLIN COUNTY (part): Georgia town GRAND ISLE COUNTY (part): Grand Isle town (added) and South Hero town
1310	CAGUAS, PR PMSA	(See SAN JUAN-CAGUAS, PR CMSA)
1320	CANTON, OH MSA	Carroll and Stark Counties
1350	CASPER, WY MSA	Natrona County
1360	CEDAR RAPIDS, IA MSA	Linn County
1400	CHAMPAIGN-URBANA-RANTOUL, IL MSA	Champaign County
1440	CHARLESTON, SC MSA	Berkeley, Charleston, and Dorchester Counties
1480	CHARLESTON, WV MSA	Kanawha and Putnam Counties
1520	CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA	Cabarrus (added), Gaston, Lincoln (added), Mecklenburg, Rowan (added), and Union Counties, NC, and York (added) County, SC
1540	CHARLOTTESVILLE, VA MSA	Albemarle, Fluvanna, and Greene Counties, and Charlottesville city
1560	CHATTANOOGA, TN-GA MSA	Hamilton, Marion, and Sequatchie Counties, TN, and Catoosa, Dade, and Walker Counties, GA
	CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA	
620	AURORA-ELGIN, IL PMSA	Kane and Kendall (added) Counties
1600	CHICAGO, IL PMSA	Cook, DuPage, and McHenry Counties
2960	GARY-HAMMOND, IN PMSA	Lake and Porter Counties
3690	JOLIET, IL PMSA	Grundy (added) and Will Counties
3800	KENOSHA, WI PMSA	Kenosha County
3965	LAKE COUNTY, IL PMSA	Lake County
1620	CHICO, CA MSA	Butte County
	CINCINNATI-HAMILTON, OH-KY-IN CMSA	
1640	CINCINNATI, OH-KY-IN PMSA	Clermont, Hamilton, and Warren Counties, OH, Boone, Campbell, and Kenton Counties, KY, and Dearborn County, IN
3200	HAMILTON-MIDDLETOWN, OH PMSA	Butler County
1660	CLARKSVILLE-HOPKINSVILLE, TN-KY MSA	Montgomery County, TN and Christian County, KY
	CLEVELAND-AKRON-LORAIN, OH CMSA	
80	AKRON, OH PMSA	Portage and Summit Counties
1680	CLEVELAND, OH PMSA	Cuyahoga, Geauga, Lake, and Medina Counties
4440	LORAIN-ELYRIA, OH PMSA	Lorain County
1720	COLORADO SPRINGS, CO MSA	El Paso County (Teller County deleted)
1740	COLUMBIA, MO MSA	Boone County
1760	COLUMBIA, SC MSA	Lexington and Richland Counties
1800	COLUMBUS, GA-AL MSA	Chattahoochee and Muscogee Counties, GA, and Russell County, AL
1840	COLUMBUS, OH MSA	Delaware, Fairfield, Franklin, Licking (added), Madison, Pickaway, and Union (added) Counties
1880	CORPUS CHRISTI, TX MSA	Nueces and San Patricio Counties
1900	CUMBERLAND, MD-WV MSA	Allegany County, MD and Mineral County, WV
	DALLAS-FORT WORTH, TX CMSA	
1920	DALLAS, TX PMSA	Collin, Dallas, Denton, Ellis, Kaufman, and Rockwall Counties
2800	FORT WORTH-ARLINGTON, TX PMSA	Johnson, Parker, and Tarrant Counties (Hood and Wise Counties deleted)
1930	DANBURY, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
1950	DANVILLE, VA MSA	Pittsylvania County and Danville city
1960	DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA	Scott County, IA, Henry and Rock Island Counties, IL
2000	DAYTON-SPRINGFIELD, OH MSA	Clark (added), Greene, Miami, and Montgomery Counties (Champaign and Preble Counties deleted)
2020	DAYTONA BEACH, FL MSA	Volusia County
2040	DECATUR, IL MSA	Macon County
	DENVER-BOULDER, CO CMSA	
1125	BOULDER-LONGMONT, CO PMSA	Boulder County
2080	DENVER, CO PMSA	Adams, Arapahoe, Denver, Douglas, and Jefferson Counties (Gilpin County deleted)
2120	DES MOINES, IA MSA	Dallas (added), Polk, and Warren Counties
	DETROIT-ANN ARBOR, MI CMSA	
440	ANN ARBOR, MI PMSA	Washtenaw County
2160	DETROIT, MI PMSA	Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties
2180	DOTHAN, AL MSA (new)	Dale and Houston Counties

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
2200	DUBUQUE, IA MSA	Dubuque County
2240	DULUTH, MN-WI MSA	St. Louis County, MN and Douglas County, WI
2285	EAST ST. LOUIS-BELLEVILLE, IL PMSA	(See ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA)
2290	EAU CLAIRE, WI MSA	Chippewa and Eau Claire Counties
2320	EL PASO, TX MSA	El Paso County
2330	ELKHART-GOSHEN, IN MSA	Elkhart County
2335	ELMIRA, NY MSA	Chemung County
2340	ENID, OK MSA	Garfield County
2360	ERIE, PA MSA	Erie County
2400	EUGENE-SPRINGFIELD, OR MSA	Lane County
2440	EVANSVILLE, IN-KY MSA	Posey, Vanderburgh, and Warrick Counties, IN, and Henderson County, KY (Gibson County, IN deleted)
2480	FALL RIVER, MA-RI PMSA	(See PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA)
2520	FARGO-MOORHEAD, ND-MN MSA	Cass County, ND and Clay County, MN
2560	FAYETTEVILLE, NC MSA	Cumberland County
2580	FAYETTEVILLE-SPRINGDALE, AR MSA	Washington County (Benton County deleted)
2600	FITCHBURG-LEOMINSTER, MA MSA	MIDDLESEX COUNTY (part): Ashby town (added) (Shirley and Townsend towns transferred to Boston PMSA) WORCESTER COUNTY (part): Ashburnham town (added), Fitchburg city, Leominster city, Lunenburg town, and Westminster town
2640	FLINT, MI MSA	Genesee County (Shiawassee County deleted)
2650	FLORENCE, AL MSA	Colbert and Lauderdale Counties
2655	FLORENCE, SC MSA	Florence County
2670	FORT COLLINS-LOVELAND, CO MSA	Larimer County
2680	FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA	(See MIAMI-FORT LAUDERDALE, FL CMSA)
2700	FORT MYERS, FL MSA	Lee County
2710	FORT PIERCE, FL MSA (new)	Martin and St. Lucie Counties
2720	FORT SMITH, AR-OK MSA	Crawford and Sebastian Counties, AR, and Sequoyah County, OK (Le Flore County, OK deleted)
2750	FORT WALTON BEACH, FL MSA	Okaloosa County
2760	FORT WAYNE, IN MSA	Allen, De Kalb, and Whitley (added) Counties (Adams and Wells Counties deleted)
2800	FORT WORTH-ARLINGTON, TX PMSA	(See DALLAS-FORT WORTH, TX CMSA)
2840	FRESNO, CA MSA	Fresno County
2880	GADSDEN, AL MSA	Etowah County
2900	GAINESVILLE, FL MSA	Alachua and Bradford (added) Counties
2920	GALVESTON-TEXAS CITY, TX PMSA	(See HOUSTON-GALVESTON-BRAZORIA, TX CMSA)
2960	GARY-HAMMOND, IN PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
2975	GLENS FALLS, NY MSA	Warren and Washington Counties
2985	GRAND FORKS, ND MSA	Grand Forks County (Polk County, MN deleted)
3000	GRAND RAPIDS, MI MSA	Kent and Ottawa Counties
3040	GREAT FALLS, MT MSA	Cascade County
3060	GREELEY, CO MSA	Weld County
3080	GREEN BAY, WI MSA	Brown County
3120	GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA	Davidson, Davie (added), Forsyth, Guilford, Randolph, Stokes, and Yadkin Counties
3160	GREENVILLE-SPARTANBURG, SC MSA	Greenville, Pickens, and Spartanburg Counties
3180	HAGERSTOWN, MD MSA	Washington County
3200	HAMILTON-MIDDLETOWN, OH PMSA	(See CINCINNATI-HAMILTON, OH-KY-IN CMSA)
3240	HARRISBURG-LEBANON-CARLISLE, PA MSA	Cumberland, Dauphin, Lebanon (added) and Perry Counties
	HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA	
1170	BRISTOL, CT PMSA	HARTFORD COUNTY (part): Bristol city and Burlington town LITCHFIELD COUNTY (part): Plymouth town
3280	HARTFORD, CT PMSA	HARTFORD COUNTY (part): Avon town, Bloomfield town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford city, Manchester town, Marlborough town, Newington town, Rocky Hill town, Simsbury town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, and Windsor Locks town LITCHFIELD COUNTY (part): Barkhamsted town (added) and New Hartford town MIDDLESEX COUNTY (part): East Haddam town (added) NEW LONDON COUNTY (part): Colchester town TOLLAND COUNTY (part): Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Somers town, Stafford town, Tolland town, Vernon town, and Willington town
5020	MIDDLETOWN, CT PMSA	MIDDLESEX COUNTY (part): Cromwell town, Durham town (added), East Hampton town, Haddam town (added), Middlefield town (added), Middletown city (added), and Portland town
5440	NEW BRITAIN, CT PMSA	HARTFORD COUNTY (part): Berlin town, New Britain city, Plainville town, and Southington town
3290	HICKORY, NC MSA	Alexander, Burke (added), and Catawba Counties
3320	HONOLULU, HI MSA	Honolulu County
3350	HOUMA-THIBODAUX, LA MSA (new)	Lafourche and Terrebonne Parishes

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CODE	AREA TITLE	DEFINITION
	HOUSTON-GALVESTON-BRAZORIA, TX CMSA	
1145	BRAZORIA, TX PMSA	Brazoria County
2920	GALVESTON-TEXAS CITY, TX PMSA	Galveston County
3360	HOUSTON, TX PMSA	Fort Bend, Harris, Liberty, Montgomery and Waller Counties
3400	HUNTINGTON-ASHLAND, WV-KY-OH MSA	Cabell and Wayne Counties, WV, Boyd, Carter (added) and Greenup Counties, KY, and Lawrence County, OH
3440	HUNTSVILLE, AL MSA	Madison County (Limestone and Marshall Counties deleted)
3480	INDIANAPOLIS, IN MSA	Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby Counties
3500	IOWA CITY, IA MSA	Johnson County
3520	JACKSON, MI MSA	Jackson County
3560	JACKSON, MS MSA	Hinds, Madison (added), and Rankin Counties
3600	JACKSONVILLE, FL MSA	Clay, Duval, Nassau, and St. Johns Counties (Baker County deleted)
3605	JACKSONVILLE, NC MSA	Onslow County
3620	JANESVILLE-BELOIT, WI MSA	Rock County
3640	JERSEY CITY, NJ PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
3660	JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA	Carter, Hawkins, Sullivan, Unicoi, and Washington Counties, TN, Scott and Washington Counties, VA, and Bristol city, VA
3680	JOHNSTOWN, PA MSA	Cambria and Somerset Counties
3690	JOLIET, IL PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3710	JOPLIN, MO MSA	Jasper and Newton Counties
3720	KALAMAZOO, MI MSA	Kalamazoo County (Van Buren County deleted)
3740	KANKAKEE, IL MSA	Kankakee County
	KANSAS CITY, MO-KANSAS CITY, KS CMSA	
3755	KANSAS CITY, KS PMSA	Johnson, Leavenworth (added), Miami (added), and Wyandotte Counties
3760	KANSAS CITY, MO PMSA	Cass, Clay, Jackson, Lafayette (added), Platte and Ray Counties
3800	KENOSHA, WI PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3810	KILLEEN-TEMPLE, TX MSA	Bell and Coryell Counties
3840	KNOXVILLE, TN MSA	Anderson, Blount, Grainger (added), Jefferson (added), Knox, Sevier (added), and Union Counties
3850	KOKOMO, IN MSA	Howard and Tipton Counties
3870	LA CROSSE, WI MSA	La Crosse County
3880	LAFAYETTE, LA MSA	Lafayette and St. Martin (added) Parishes
3920	LAFAYETTE, IN MSA	Tippecanoe County
3960	LAKE CHARLES, LA MSA	Calcasieu Parish
3965	LAKE COUNTY, IL PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3980	LAKELAND-WINTER HAVEN, FL MSA	Polk County
4000	LANCASTER, PA MSA	Lancaster County
4040	LANSING-EAST LANSING, MI MSA	Clinton, Eaton, and Ingham Counties (Ionia County deleted)
4080	LAREDO, TX MSA	Webb County
4100	LAS CRUCES, NM MSA	Dona Ana County
4120	LAS VEGAS, NV MSA	Clark County
4150	LAWRENCE, KS MSA	Douglas County
4160	LAWRENCE-HAVERHILL, MA-NH PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
4200	LAWTON, OK MSA	Comanche County
4240	LEWISTON-AUBURN, ME MSA	ANDROSCOGGIN COUNTY (part): Auburn city, Greene town (added), Lewiston city, Lisbon town, Mechanic Falls town (added), Poland town (added), and Sabattus town (added)
4280	LEXINGTON-FAYETTE, KY MSA	Bourbon, Clark, Fayette, Jessamine, Scott, and Woodford Counties
4320	LIMA, OH MSA	Allen and Auglaize Counties (Putnam and Van Wert Counties deleted)
4360	LINCOLN, NE MSA	Lancaster County
4400	LITTLE ROCK-NORTH LITTLE ROCK, AR MSA	Faulkner (added), Lonoke (added), Pulaski, and Saline Counties
4410	LONG BRANCH-ASBURY PARK, NJ	(See Monmouth-Ocean, NJ PMSA)
4420	LONGVIEW-MARSHALL, TX MSA	Gregg and Harrison Counties
4440	LORAIN-ELYRIA, OH PMSA	(See CLEVELAND-AKRON-LORAIN, OH CMSA)
	LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA	
360	ANAHEIM-SANTA ANA, CA PMSA	Orange County
4480	LOS ANGELES-LONG BEACH, CA PMSA	Los Angeles County
6000	OXNARD-VENTURA, CA PMSA	Ventura County
6780	RIVERSIDE-SAN BERNARDINO, CA PMSA	Riverside and San Bernardino Counties
4520	LOUISVILLE, KY-IN MSA	Bullitt, Jefferson, Oldham, and Shelby (added) Counties, KY, Clark, Floyd, and Harrison (added) Counties, IN
4560	LOWELL, MA-NH PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
4600	LUBBOCK, TX MSA	Lubbock County
4640	LYNCHBURG, VA MSA	Amherst and Campbell Counties, and Lynchburg city (Appomattox County deleted)
4680	MACON-WARNER ROBINS, GA MSA	Bibb, Houston, Jones, and Peach (added) Counties (Twiggs County deleted)
4720	MADISON, WI MSA	Dane County
4760	MANCHESTER, NH MSA	HILLSBOROUGH COUNTY (part): Bedford town, Goffstown town, and Manchester city MERRIMACK COUNTY (part): Allenstown town and Hooksett town (Pembroke town deleted) ROCKINGHAM COUNTY (part): Auburn town (added) and Candia town (added) (Derry and Londonderry towns transferred)
4800	MANSFIELD, OH MSA	Richland County

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
4840	MAYAGUEZ, PR MSA	Anasco, Cabo Rojo (added), Hormigueros, Mayaguez, and San German (added) Municipios
4880	McALLEN-EDINBURG-MISSION, TX MSA	Hidalgo County
4890	MEDFORD, OR MSA	Jackson County
4900	MELBOURNE-TITUSVILLE-PALM BAY, FL MSA	Brevard County
4920	MEMPHIS, TN-AR-MS MSA	Shelby and Tipton Counties, TN, Crittenden County, AR, and De Soto County, MS
4960	MERIDEN, CT	(See New Haven-Meriden, CT)
	MIAMI-FORT LAUDERDALE, FL CMSA	
2680	FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA	Broward County
5000	MIAMI-HIALEAH, FL PMSA	Dade County
5015	MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5020	MIDDLETOWN, CT PMSA	(See HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA)
5040	MIDLAND, TX MSA	Midland County
	MILWAUKEE-RACINE, WI CMSA	
5080	MILWAUKEE, WI PMSA	Milwaukee, Ozaukee, Washington, and Waukesha Counties
6600	RACINE, WI PMSA	Racine County
5120	MINNEAPOLIS-ST. PAUL, MN-WI MSA	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti (added), Ramsey, Scott, Washington, and Wright Counities, MN, and St. Croix County, WI
5160	MOBILE, AL MSA	Baldwin and Mobile Counties
5170	MODESTO, CA MSA	Stanislaus County
5190	MONMOUTH-OCEAN, NJ PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5200	MONROE, LA MSA	Ouachita Parish
5240	MONTGOMERY, AL MSA	Autauga, Elmore, and Montgomery Counties
5280	MUNCIE, IN MSA	Delaware County
5320	MUSKEGON, MI MSA	Muskegon County (Oceana County deleted)
5350	NASHUA, NH PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
5360	NASHVILLE, TN MSA	Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties
5380	NASSAU-SUFFOLK, NY PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5400	NEW BEDFORD, MA MSA	BRISTOL COUNTY (part): Acushnet town, Dartmouth town, Fairhaven town, Freetown town, and New Bedford city PLYMOUTH COUNTY (part): Marion town, Mattapoisett town, and Rochester town (added) (Lakeville town transferred to Boston PMSA)
5440	NEW BRITAIN, CT PMSA	(See HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA)
5460	NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NY	(See MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA)
5480	NEW HAVEN-MERIDEN, CT MSA	MIDDLESEX COUNTY (part): Clinton town and Killingworth town (added) NEW HAVEN COUNTY (part): Bethany town, Branford town, Cheshire town (transferred from Waterbury SMSA), East Haven town, Guilford town, Hamden town, Madison town, Meriden town, Meriden city (added), New Haven city, North Branford town, North Haven town, Orange town, Wallingford town, West Haven city, and Woodbridge town
5520	NEW LONDON-NORWICH, CT-RI MSA	(MIDDLESEX COUNTY, CT--Old Saybrook town deleted) NEW LONDON COUNTY, CT (part): Bozrah town, East Lyme town, Franklin town (added), Griswold town, Groton town, Ledyard town, Lisbon town, Montville town, New London city, North Stonington town (added), Norwich city, Old Lyme town, Preston town, Salem town (added), Sprague town, Stonington town, and Waterford town WINDHAM COUNTY, CT (part): Canterbury town (added) WASHINGTON COUNTY, RI (part): Hopkinton town and Westerly town
5560	NEW ORLEANS, LA MSA	Jefferson, Orleans, St. Bernard, St. Charles (added), St. John the Baptist (added), and St. Tammany Parishes
	NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA	
875	BERGEN-PASSAIC, NJ PMSA	Bergen and Passaic Counties
1160	BRIDGEPORT-MILFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Bridgeport city, Easton town, Fairfield town, Monroe town, Shelton city, Stratford town, and Trumbull town NEW HAVEN COUNTY, CT (part): Ansonia city (added), Beacon Falls town, Derby city, Milford city, Oxford town (added), and Seymour town (added)
1930	DANBURY, CT PMSA	FAIRFIELD COUNTY, CT (part): Bethel town, Brookfield town, Danbury city, New Fairfield town, Newtown town, Redding town, Ridgefield town (added), and Sherman town (added) LITCHFIELD COUNTY, CT (part): Bridgewater town (added) and New Milford town
3640	JERSEY CITY, NJ PMSA	Hudson County
5015	MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	Hunterdon (added), Middlesex, and Somerset Counties
5190	MONMOUTH-OCEAN, NJ PMSA	Monmouth and Ocean (added) Counties
5380	NASSAU-SUFFOLK, NY PMSA	Nassau and Suffolk Counties
5600	NEW YORK, NY PMSA	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties
5640	NEWARK, NJ PMSA	Essex, Morris, Sussex (added), and Union Counties
5760	NORWALK, CT PMSA	FAIRFIELD COUNTY, CT (part): Norwalk city, Weston town, Westport town, and Wilton town
5950	ORANGE COUNTY, NY PMSA	Orange County
8040	STAMFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Darien town, Greenwich town, New Canaan town, and Stamford city

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
5645	NEWARK, OH	(See Columbus, OH)
5660	NEWBURGH-MIDDLETOWN, NY	(See Orange County, NY PMSA)
5680	NEWPORT NEWS-HAMPTON, VA	(See Norfolk-Virginia Beach-Newport News, VA)
5700	NIAGARA FALLS, NY PMSA	(See BUFFALO-NIAGARA FALLS, NY CMSA)
5720	NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA	Gloucester (added), James City (added), and York (added) Counties, Chesapeake, Hampton (added), Newport News (added), Norfolk, Poquoson (added), Portsmouth, Suffolk, Virginia Beach, and Williamsburg (added) cities (Currituck County, NC deleted)
5745	NORTHEAST PENNSYLVANIA	(See Scranton--Wilkes-Barre, PA)
5760	NORWALK, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5775	OAKLAND, CA PMSA	(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
5790	OCALA, FL MSA	Marion County
5800	ODESSA, TX MSA	Ector County
5880	OKLAHOMA CITY, OK MSA	Canadian, Cleveland, Logan (added), McClain, Oklahoma, and Pottawatomie Counties
5910	OLYMPIA, WA MSA	Thurston County
5920	OMAHA, NE-IA MSA	Douglas, Sarpy, and Washington (added) Counties, NE, and Pottawattamie County, IA
5950	ORANGE COUNTY, NY PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5960	ORLANDO, FL MSA	Orange, Osceola, and Seminole Counties
5990	OWENSBORO, KY MSA	Daviess County
6000	OXNARD-VENTURA, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
6015	PANAMA CITY, FL MSA	Bay County
6020	PARKERSBURG-MARIETTA, WV-OH MSA	Wood County, WV and Washington County, OH (Wirt County, WV deleted)
6025	PASCAGOULA, MS MSA	Jackson County
6040	PATERSON-CLIFTON-PASSAIC, NJ	(See BERGEN-PASSAIC, NJ PMSA)
6060	PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	(See PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA)
6080	PENSACOLA, FL MSA	Escambia and Santa Rosa Counties
6120	PEORIA, IL MSA	Peoria, Tazewell, and Woodford Counties
6140	PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	(See Richmond-Petersburg, VA)
	PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA	
6160	PHILADELPHIA, PA-NJ PMSA	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, Burlington, Camden, and Gloucester Counties, NJ
8480	TRENTON, NJ PMSA	Mercer County
8760	VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	Cumberland County
9160	WILMINGTON, DE-NJ-MD PMSA	New Castle County, DE, Salem County, NJ, and Cecil County, MD
6200	PHOENIX, AZ MSA	Maricopa County
6240	PINE BLUFF, AR MSA	Jefferson County
	PITTSBURGH-BEAVER VALLEY, PA CMSA	
845	BEAVER COUNTY, PA PMSA	Beaver County
6280	PITTSBURGH, PA PMSA	Allegheny, Fayette (added), Washington, and Westmoreland Counties
6320	PITTSFIELD, MA MSA	BERKSHIRE COUNTY (part): Cheshire town, Dalton town, Hinsdale town (added), Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town (added), and Stockbridge town (Adams town deleted)
6360	PONCE, PR MSA	Juana Diaz and Ponce Municipios (Villalba Municipio deleted)
6400	PORTLAND, ME MSA	CUMBERLAND COUNTY (part): Cape Elizabeth town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town (added), North Yarmouth town (added), Portland city, Raymond town (added), Scarborough town, South Portland city, Standish town (added), Westbrook city, Windham town, and Yarmouth town YORK COUNTY (part): Buxton town (added), Hollis town (added), and Old Orchard Beach town (Saco city deleted)
	PORTLAND-VANCOUVER, OR-WA CMSA	
6440	PORTLAND, OR PMSA	Clackamas, Multnomah, Washington, and Yamhill (added) Counties
8725	VANCOUVER, WA PMSA	Clark County, WA
6450	PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA	ROCKINGHAM COUNTY, NH (part): Exeter town (added), Greenland town, Hampton town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, and Stratham town (added) STRAFFORD COUNTY, NH (part): Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Milton town (added), Rochester city, Rollinsford town, and Somersworth city YORK COUNTY, ME (part): Berwick town, Eliot town, Kittery town, North Berwick town, Ogunquit town (added), South Berwick town, Wells town (added), and York town
6460	POUGHKEEPSIE, NY MSA	Dutchess County
	PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA	
2480	FALL RIVER, MA-RI PMSA	BRISTOL COUNTY, MA (part): Fall River city, Somerset town, Swansea town, and Westport town (Dighton town deleted) NEWPORT COUNTY, RI (part): Little Compton town and Tiverton town (Portsmouth town deleted)

FAIR MARKE' RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF ME ROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
6060	PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	BRISTOL COUNTY, MA (part): Attleboro city, North Attleborough town, Rehoboth town, and Seekonk town NORFOLK COUNTY, MA (part): Plainville town WORCESTER COUNTY, MA (part): Blackstone town and Millville town PROVIDENCE COUNTY, RI (part): Burrillville town, Central Falls city, Cumberland town, Lincoln town, North Smithfield town, Pawtucket city, Smithfield town, and Woonsocket city
6480	PROVIDENCE, RI PMSA	BRISTOL COUNTY, RI: Barrington town, Bristol town, and Warren town KENT COUNTY, RI (part): Coventry town, East Greenwich town, Warwick city, and West Warwick town NEWPORT COUNTY, RI (part): Jamestown town PROVIDENCE COUNTY, RI (part): Cranston city, East Providence city, Foster town (added), Glocester town (added), Johnston town, North Providence town, Providence city, and Scituate town WASHINGTON COUNTY, RI (part): Exeter town (added), Narragansett town, North Kingstown town, Richmond town (added), and South Kingstown town
6520	PROVO-OREM, UT MSA	Utah County
6560	PUEBLO, CO MSA	Pueblo County
6600	RACINE, WI PMSA	(See MILWAUKEE-RACINE, WI CMSA)
6640	RALEIGH-DURHAM, NC MSA	Durham, Franklin (added), Orange, and Wake Counties
6680	READING, PA MSA	Berks County
6690	REDDING, CA MSA	Shasta County
6720	RENO, NV MSA	Washoe County
6740	RICHLAND-KENNEWICK-PASCO, WA MSA	Benton and Franklin Counties
6760	RICHMOND-PETERSBURG, VA MSA	Charles City, Chesterfield, Dinwiddie (added), Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George (added) Counties, and Colonial Heights (added), Hopewell (added), Petersburg (added), and Richmond cities
6780	RIVERSIDE-SAN BERNARDINO, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
6800	ROANOKE, VA MSA	Botetourt and Roanoke Counties, and Roanoke and Salem cities (Craig County deleted)
6820	ROCHESTER, MN MSA	Olmsted County
6840	ROCHESTER, NY MSA	Livingston, Monroe, Ontario, Orleans, and Wayne Counties
6880	ROCKFORD, IL MSA	Boone and Winnebago Counties
6885	ROCK HILL, SC	(See Charlotte-Gastonia-Rock Hill, NC-SC)
6920	SACRAMENTO, CA MSA	El Dorado (added), Placer, Sacramento, and Yolo Counties
6960	SAGINAW-BAY CITY-MIDLAND, MI MSA	Bay (added), Midland (added), and Saginaw Counties
6980	ST. CLOUD, MN MSA	Benton, Sherburne, and Stearns Counties
7000	ST. JOSEPH, MO MSA	Buchanan County (Andrew County deleted)
	ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA	
275	ALTON-GRANITE CITY, IL PMSA	Jersey (added) and Madison Counties
2285	EAST ST. LOUIS-BELLEVILLE, IL PMSA	Clinton and St. Clair Counties
7040	ST. LOUIS, MO-IL PMSA	Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, St. Louis city, MO, and Monroe County, IL
7080	SALEM, OR MSA	Marion and Polk Counties
7090	SALEM-GLOUCESTER, MA PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
7120	SALINAS-SEASIDE-MONTEREY, CA MSA	Monterey County
7140	SALISBURY-CONCORD, NC	(See Charlotte-Gastonia-Rock Hill, NC-SC)
7160	SALT LAKE CITY-OGDEN, UT MSA	Davis, Salt Lake, and Weber Counties (Tooele County deleted)
7200	SAN ANGELO, TX MSA	Tom Green County
7240	SAN ANTONIO, TX MSA	Bexar, Comal, and Guadalupe Counties
7320	SAN DIEGO, CA MSA	San Diego County
	SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA	
5775	OAKLAND, CA PMSA	Alameda and Contra Costa Counties
7360	SAN FRANCISCO, CA PMSA	Marin, San Francisco, and San Mateo Counties
7400	SAN JOSE, CA PMSA	Santa Clara County
7485	SANTA CRUZ, CA PMSA	Santa Cruz County
7500	SANTA ROSA-PETALUMA, CA PMSA	Sonoma County
8720	VALLEJO-FAIRFIELD-NAPA, CA PMSA	Napa and Solano Counties
	SAN JUAN-CAGUAS, PR CMSA	
1310	CAGUAS, PR PMSA	Aguas Buenas (added), Caguas, Cayey (added), Cidra (added), Gurabo, and San Lorenzo Municipios
7440	SAN JUAN, PR PMSA	Barceloneta (added), Bayamon, Canovanas, Carolina, Catano, Corozal (added), Dorado (added), Fajardo (added), Florida (added), Guaynabo, Humacao (added), Juncos (added), Las Piedras (added), Loiza, Luquillo (added), Manati (added), Naranjito (added), Rio Grande (added), San Juan, Toa Alta (added), Toa Baja, Trujillo Alto, Vega Alta (added), and Vega Baja (added) Municipios
7480	SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA	Santa Barbara County
7485	SANTA CRUZ, CA PMSA	(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
7500	SANTA ROSA-PETALUMA, CA PMSA	(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
7510	SARASOTA, FL MSA	Sarasota County
7520	SAVANNAH, GA MSA	Chatham and Effingham Counties (Bryan County deleted)
7560	SCRANTON--WILKES-BARRE, PA MSA	Columbia (added), Lackawanna, Luzerne, Monroe, and Wyoming (added) Counties

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
	SEATTLE-TACOMA, WA CMSA	
7600	SEATTLE, WA PMSA	King and Snohomish Counties
8200	TACOMA, WA PMSA	Pierce County
7610	SHARON, PA MSA	Mercer County
7620	SHEBOYGAN, WI MSA	Sheboygan County
7640	SHERMAN-DENISON, TX MSA	Grayson County
7680	SHREVEPORT, LA MSA	Bossier and Caddo Parishes (Webster Parish deleted)
7720	SIOUX CITY, IA-NE MSA	Woodbury County, IA and Dakota County, NE
7760	SIOUX FALLS, SD MSA	Minnehaha County
7800	SOUTH BEND-MISHAWAKA, IN MSA	St. Joseph County (Marshall County deleted)
7840	SPOKANE, WA MSA	Spokane County
7880	SPRINGFIELD, IL MSA	Menard and Sangamon Counties
7920	SPRINGFIELD, MO MSA	Christian and Greene Counties
7960	SPRINGFIELD, OH	(See Dayton-Springfield, OH)
8000	SPRINGFIELD, MA MSA	HAMPDEN COUNTY, MA (part): Agawam town, Chicopee city, East Longmeadow town, Hampden town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town (added), Palmer town, Russell town (added), Southwick town, Springfield city, Westfield city, West Springfield town, and Wilbraham town HAMPSHIRE COUNTY, MA (part): Belchertown town, Easthampton town, Granby town, Huntington town (added), Northampton city, Southampton town, and South Hadley town (Hadley and Hatfield towns deleted) (WORCESTER COUNTY, MA--Warren town deleted) (TOLLAND COUNTY, CT--Somers town transferred to Hartford, CT PMSA)
8040	STAMFORD, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
8050	STATE COLLEGE, PA MSA	Centre County
8080	STEUBENVILLE-WEIRTON, OH-WV MSA	Jefferson County, OH, Brooke and Hancock Counties, WV
8120	STOCKTON, CA MSA	San Joaquin County
8160	SYRACUSE, NY MSA	Madison, Onondaga, and Oswego Counties
8200	TACOMA, WA PMSA	(See SEATTLE-TACOMA, WA CMSA)
8240	TALLAHASSEE, FL MSA	Gadsden (added) and Leon Counties (Wakulla County deleted)
8280	TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA	Hernando (added), Hillsborough, Pasco, and Pinellas Counties
8320	TERRE HAUTE, IN MSA	Clay and Vigo Counties (Sullivan and Vermillion Counties deleted)
8360	TEXARKANA, TX-TEXARKANA, AR MSA	Bowie County, TX, and Miller County, AR (Little River County, AR deleted)
8400	TOLEDO, OH MSA	Fulton, Lucas, and Wood Counties (Ottawa County, OH deleted; Monroe County, MI transferred to Detroit, MI PMSA)
8440	TOPEKA, KS MSA	Shawnee County (Jefferson and Osage Counties deleted)
8480	TRENTON, NJ PMSA	(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
8520	TUCSON, AZ MSA	Pima County
8560	TULSA, OK MSA	Creek, Osage, Rogers, Tulsa, and Wagoner Counties (Mayes County deleted)
8600	TUSCALOOSA, AL MSA	Tuscaloosa County
8640	TYLER, TX MSA	Smith County
8680	UTICA-ROME, NY MSA	Herkimer and Oneida Counties
8720	VALLEJO-FAIRFIELD-NAPA, CA PMSA	(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
8725	VANCOUVER, WA PMSA	(See PORTLAND-VANCOUVER, OR-WA CMSA)
8750	VICTORIA, TX MSA	Victoria County
8760	VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
8780	VISALIA-TULARE-PORTERVILLE, CA MSA	Tulare County
8800	WACO, TX MSA	McLennan County
8840	WASHINGTON, DC-MD-VA MSA	District of Columbia, Calvert (added), Charles, Frederick (added), Montgomery, and Prince George's Counties, MD, Arlington, Fairfax, Loudoun, Prince William, and Stafford (added) Counties, VA, Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park cities, VA
8880	WATERBURY, CT MSA	LITCHFIELD COUNTY (part): Bethlehem town (added), Thomaston town, Watertown town, and Woodbury town NEW HAVEN COUNTY (part): Middlebury town, Naugatuck borough, Prospect town, Southbury town, Waterbury city, and Wolcott town (Beacon Falls town transferred to the Bridgeport-Milford, CT PMSA. Cheshire town transferred to the New Haven-Meriden, CT MSA.)
8920	WATERLOO-CEDAR FALLS, IA MSA	Black Hawk and Bremer (added) Counties
8940	WAUSAU, WI MSA	Marathon County
8960	WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA	Palm Beach County
9000	WHEELING, WV-OH MSA	Marshall and Ohio Counties, WV, and Belmont County, OH
9040	WICHITA, KS MSA	Butler and Sedgwick Counties
9080	WICHITA FALLS, TX MSA	Wichita County (Clay County deleted)
9140	WILLIAMSPORT, PA MSA	Lycoming County
9160	WILMINGTON, DE-NJ-MD PMSA	(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
9200	WILMINGTON, NC MSA	New Hanover County (Brunswick County deleted)

FAIR MARKET R NTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METRO OLITAN STATISTICAL AREAS WITH CH NGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
9240	WORCESTER, MA MSA	WORCESTER COUNTY (part): Auburn town, Barre town (added), Boylston town, Brookfield town, Charlton town, Clinton town (added), Douglas town (added), Dudley town (added), East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oxford town, Paxton town, Princeton town (added), Rutland town (added), Shrewsbury town, Spencer town, Sterling town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, and Worcester city (Berlin and Upton towns transferred to Boston PMSA)
9260	YAKIMA, WA MSA	Yakima County
9280	YORK, PA MSA	Adams and York Counties
9320	YOUNGSTOWN-WARREN, OH MSA	Mahoning and Trumbull Counties
9340	YUBA CITY, CA MSA	Sutter and Yuba Counties

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BILLING CODE 4210-27-C

Federal Register

Thursday
July 5, 1984

Part III

Department of Agriculture

Soil Conservation Service

7 CFR Part 658
Farmland Protection Policy; Final Rule

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 658

Farmland Protection Policy

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Final rule.

SUMMARY: This action promulgates a rule for implementation of the Farmland Protection Policy Act, Subtitle I of Title XV of the Agriculture and Food Act of 1981, Pub. L. 97–98. The rule will add a new Part 658 to Title 7 of the Code of Federal Regulations establishing criteria for identifying and considering the effects of federal programs on the conversion of farmland to nonagricultural uses and identifying technical assistance to agencies of state, federal, and local governments that will be provided by the Department of Agriculture.

EFFECTIVE DATE: This rule becomes effective August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Howard C. Tankersley, Executive Secretary, USDA Land Use Issues Working Group, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone 202–382–1855.

SUPPLEMENTARY INFORMATION: A proposed rule was published for public comment on July 12, 1983, in the **Federal Register,** Vol. 48, No. 134, pp. 31863–31866, and 149 responses, containing hundreds of comments, were received during the comment period, which was originally set to expire September 12, but was extended through October 1, 1983. (See **Federal Register,** September 2, 1983, p. 39944). The Department of Agriculture has made a number of changes and additions to the rule as proposed in response to several issues raised in the comments. Because several of these modifications will have the effect of limiting the scope of the rule, the Department considered republishing the rule in proposed form for additional comments. However, since the significance of the changes and additions is not so great as to require such republication, it has been determined that any benefit that could be derived from additional public review does not warrant further delay in establishing an effective final rule.

The most important additions clarify and narrow the scope of the Act's coverage and effect from the scope that was contemplated in the proposed rule. In making these additionals to the proposed rule, the Department has been guided by the view that if a federal agency should deny assistance for a project on a certain tract solely on the basis that the site should be preserved for agricultural use, this denial would affect the use of private land and may not be consistent with local zoning or planning policy. The rule needed clarification because Congress expressly provided that the Act would not authorize any federal regulation of private land use. Accordingly, the Department has modified the rule to eliminate any possibility that either the Act or this rule will cause any refusal of federal assistance to private parties and nonfederal units of government.

Similarly, the Department has redrafted the rule to insure that actions by federal agencies will comport with local zoning decisions made to permit urban development on prime farmland.

In enacting the Farmland Protection Policy Act, Congress found that the Nation's farmland was "a unique natural resource" and that each year, "a large amount of the Nation's farmland" was being "irrevocably converted from actual or potential agricultural use to nonagricultural use," in many cases as a result of actions taken or assisted by the Federal Government. The general purpose of the Act is to "minimize the extent" of the role of federal programs in the conversion of farmland to nonagricultural uses and to "assure that federal programs are administered in a manner that, to the extent practicable, will be compatible with state, unit of local government, and private programs and policies to protect farmland," (section 1540(b) of the Act). The Act directs federal agencies to "identify and take into account the adverse effects of federal programs on the preservation of farmland; consider alternative actions, as appropriate, that could lessen such adverse effects; and assure that such federal programs, to the extent practicable, are compatible with state, unit of local government, and private programs and policies to protect farmland." In order to guide the federal agencies in this task, section 1541(a) of the Act directs the Department of Agriculture, in cooperation with other departments, agencies, independent commissions and other units of the Federal Government, to "develop criteria for identifying the effects of federal programs on the conversion of farmland to nonagricultural uses" for the use of all "departments, agencies, independent commissions and other units of the Federal Government" whose programs may affect farmland. This rule for implementation of the Act establishes the criteria required by section 1541(a) of the Act for identifying the effects of federal programs on the conversion of farmland to nonagricultural uses, provides guidelines for program agencies' use of these criteria, and identifies technical assistance that will be provided by the Department to agencies of federal, state, and local governments pursuant to the Act.

For purposes of the Act, "farmland" is either "prime farmland," "unique farmland," or other farmland "that is of statewide or local importance." All three of these types of "farmland" are defined by section 1540(c)(1) of the Act.

Both the Act and this rule apply only to federal agencies or their programs that might convert farmland. Where no federal activity is involved, the Act does not apply. Neither the Act nor this rule requires a federal agency to modify any project solely to avoid or minimize the effects of conversion of farmland to nonagricultural uses. The Act merely requires that before taking or approving any action that would result in conversion of farmland as defined in the Act, the agency examines the effects of the action using the criteria set forth in the rule, and if there are adverse effects, consider alternatives to lessen them.

The agency would still have discretion to proceed with a project that would convert farmland to nonagricultural uses once the examination required by the Act has been completed. Congress included in the Act a provision, section 1547(a), assuring landowners that the Act "does not authorize the Federal Government in any way to regulate the use of private or nonfederal land, or in any way affect the property rights of owners of such land." Finally, section 1548 states expressly that the Act "shall not be deemed to provide a basis" for any litigation "challenging a federal project, program, or other activity that may affect farmland."

The Department received 149 responses to the publication of the proposed rule on July 12, 1983. Of these, 18 were from federal agencies, 42 from state agencies, 19 from local units of government, 60 from national, state and local public interest organizations, and 10 were from individuals or firms. Where possible, comments contained in the responses were categorized according to that section of the proposed rule to which they applied. Others were categorized as general comments. All comments were summarized to identify the issues or concerns expressed.

Each response was carefully studied and the rule has been modified where possible and where such modifications are consistent with the Act. Following are the most important changes which were made to the rule as published in

July 1983. They result in a limitation of the scope of the rule from the proposed version published earlier.

1. The rule now specifies that if there is a project proposed to be placed on farmland with federal assistance to a landowner or other nonfederal party, the federal agency may not refuse to grant such assistance to the project based on the Act or the rule. Section 1547(a) of the Act states that the Act "does not authorize the Federal Government in any way to regulate the use of private or nonfederal land." Nor does the Act provide authority for the Federal Government to withhold assistance to a project solely because it would convert farmland to nonagricultural uses.

2. The rule now specifies that if there is "prime farmland" that a state or local government has designated, through zoning or planning, for commercial, industrial or residential use that is not intended at the same time to protect farmland, this land will not be covered by the Act, since it will be deemed to be "committed to urban development" and thus outside the Act's definition of "prime farmland" subject to the Act.

3. The rule makes it clear that activities of the Federal Government to issue permits or licenses on private or nonfederal lands or approve public utility rates are not "federal programs" within the definition provided in the Act, and thus neither the Act nor the rule will apply to these activities of federal agencies.

The following are other important changes to the proposed rule. They deal with technical features of the rule itself.

1. The number of land evaluation criteria has been reduced from five to one, and the number of site assessment criteria has been reduced from 16 to 12. Site assessment criteria numbers 5 (special siting requirements) and 6 (alternatives having less relative value for agricultural production) in the proposed rule have been shifted from the criteria to the guidelines to evaluate alternative sites. Criterion number 7 (compatibility with comprehensive development plans) now has been incorporated in criterion number 4 of the rule.

2. The site assessment criteria have been rewritten with additional guidance, consistent with the comments and findings in field tests on 27 sites in seven counties, to clarify their meaning and to make them more specific.

3. To respond to criticism by many commenters that all site assessment criteria did not deserve equal weight, the rule now assigns different weights to the various criteria. Agencies are still free to change the weighting for their own use but a rulemaking procedure in consultation with the Department is recommended.

4. To assist agencies in knowing which project sites call for exploration of alternatives, a point score of 160 has been established in the rule as the threshold for considering additional alternative actions, sites, or designs.

5. Agencies will be provided with a Farmland Conversion Impact Rating Form (AD–1006) on which they will request determinations from the Soil Conservation Service (SCS) of whether proposed sites are subject to the Act. Upon request, SCS will furnish a score for a site's relative value as farmland. The agencies will then compute for themselves the site assessment criteria scores.

6. The rule now encourages a procedure to make farmland protection evaluations part of an agency's review under the National Environmental Policy Act (NEPA).

7. In the case of linear or corridor-type projects, such as utilities, highways, and railroads, the criteria and guidelines for using them have been modified to be more appropriate.

8. A number of definitions have been added in § 658.2 of the rule. These include definitions for: "land already in or committed to urban development or water storage," "construction or improvement projects beyond the planning stage," "private programs to protect farmland," "site," "unit of local government," and "state or local government programs to protect farmland." The definition of "federal program" has been expanded to explain what the definition does not include as provided in section 1540(c)(4) of the Act.

9. The rule has been modified to require that SCS complete the land evaluation within 45 calendar days after receiving a request for assistance on a Farmland Conversion Impact Rating Form (AD–1006).

10. In recognition that some state and local governments have been adopting land evaluation and site assessment (LESA) systems, the guidelines for using the criteria recommend more strongly than in the proposed rule that where these systems exist locally, federal agencies use them to make their evaluations. In locations where there is no LESA system in place, agencies would always use the criteria in this rule.

11. The prohibitions contained in the Act against using the Act for federal regulation of land uses or as a basis for legal action have both been incorporated in § 658.3 of the rule.

12. The technical assistance section, § 658.6, has been shortened to delete two unnecessary subsections and directions, including the statement that the Department "will encourage federal agencies to protect farmland from unnecessary and irreversible conversion to nonagricultural uses." The Act does not assign the Department such a role toward other federal agencies.

General Issues Raised by the Comments

1. Can Farmland Protection Policy Act Analysis Be Performed as Part of the NEPA Process?

Responses from the U.S. Department of Transportation, Commerce and Energy, the Washington Legal Foundation, National Association of Home Builders, eight state highway or transportation agencies and others maintained that existing National Environmental Policy Act (NEPA) procedures are adequate for considering the effects of federal actions on farmland or that farmland protection should be integrated into the individual agencies' procedures for meeting NEPA environmental or other study requirements, thus eliminating any need for additional rules.

Prior to the enactment of the Act, the Council on Environmental Quality (CEQ) was already requiring federal agencies to assess the direct and indirect effects of their proposed actions on prime and unique agricultural lands. This requirement was issued in a memorandum dated August 11, 1980, from the CEQ Chairman to Heads of Agencies.

The memorandum cites 11 subsections of the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Part 1500 et seq., where the regulations apply to prime and unique agricultural lands. The CEQ memorandum states that when an agency begins planning any action, it should, in the development of alternative actions, assess whether the alternatives will affect prime or unique agricultural lands and identifies these lands as those defined in 7 CFR 657.5. The NEPA regulations leave to the individual agencies the determination of procedures to be used in assessing these effects. Agencies are permitted in 40 CFR 1500.4(p) to establish program exclusions that categorically remove certain projects or actions from consideration under NEPA (categorical exclusions).

The FPPA, which was enacted on December 22, 1981, requires USDA to develop, in cooperation with other federal agencies, criteria for identifying the effects of federal programs on the conversion of farmland to nonagricultural uses. These criteria

would be appropriate for use by individual agencies in carrying out their responsibilities under the NEPA regulations, and agencies are encouraged to apply these criteria as part of the NEPA process. However, FPPA imposes a separate responsibility on the agencies which may not always be discharged through compliance with the NEPA regulations, since the agencies' NEPA regulations may exclude certain categories of projects from NEPA which may not be excludable under the FPPA. Guidance for compliance has been added to § 658.4 of the rule.

2. Does the Rule Have Far-Reaching Economic or Environmental Impact?

The Irvine Company, the Department of Transportation, the National Cattlemen's Association, and one private individual stated that the rule would have far-reaching economic impacts on the economy of a state or would result in a cost increase of $100 million or more annually to consumers, individual industries, federal, state or local government agencies, or geographic regions. Therefore, they maintained, it should have had a regulatory impact analysis pursuant to Executive Order 12291. Similarly, the Natural Resources Defense Council, Consumers Union and others stated that the rule must be subject to an environmental impact analysis under provisions of NEPA regulations because it is "a major federal action significantly affecting the quality of the human environment."

The Department's position remains that the rule does not constitute a major action. The rule was extremely narrow in its effect in the form in which it was proposed on July 12, 1983. The rule published here is ever narrower in scope. It can affect only the decisionmaking process of federal agencies when their own projects or those they assist would convert farmland to nonagricultural uses. Furthermore, in those cases where it still applies, the rule, like the Act, is only procedural. It does not mandate that any project be changed. It merely requires agencies to examine impacts on farmland and consider alternatives. Neither the Act nor the rule would bar an agency from proceeding with its project or assisting if it decides, after assessing the impact on farmland, that other factors outweigh the protection of agricultural land. Nor does the Act or the rule affect decisions of individuals, firms, states, local governments or other entities on projects converting farmland if no federal assistance is involved.

3. Would an Agency's Decision to Reject a Proposed Site for a Project Based on FPPA (1) Interfere With Property Rights of Site Owners or (2) Regulate the Use of Private Nonfederal Land?

The National Association of Realtors and the National Association of Home Builders suggested that if an agency made an examination under the Act of the consequences of converting farmland at a particular site and then decided, as a result, to refuse to grant assistance to a project planned for that site, the decision would infringe on that landowner's property rights and thus violate section 1547(a) of the Act, which guarantees that the Act will not affect private property rights.

The landowner in such a situation does not have "property rights" affected. Except where Congress has established a right by entitlement to participate in a federal program and receive such benefits, and individual's access to assistance under federal programs is subject to conditions and restrictions imposed by other federal statutes. Thus, the landowner does not have a property right either to have his property chosen by the Federal Government as the site of a project or to obtain federal assistance for a project.

However, the Department has concluded that while denial of project assistance on farmland does not affect a property right, such denial does constitute an interference with the use of private or nonfederal land. The full text of section 1547(a) of the Act states: "This subtitle does not authorize the Federal Government in any way to regulate the use of private or nonfederal land, or in any way affect the property rights of owners of such land." Furthermore, the Act contains no authority for an agency to deny assistance to a project solely because it would convert farmland to nonagricultural uses.

A farmer may desire to sell farmland acreage to a developer for construction of new homes, or to a unit of local government for construction of a sewer plant, either to occur with federal assistance. If federal assistance is denied to a developer or to the unit of local government, the sale of land anticipated by the farmer will probably not take place; the farmer will view the loss of the land sale as being a consequence of the Act's operation. Similarly, if an owner purchases farmland, retains it for years in expectation of eventually developing the land and then cannot obtain federal assistance for development when such assistance clearly would have been available but for the Act, the result would be an interference with the intended use of this land by operation of the Act.

In response to several comments recommending incorporation into the rule of a restatement of section 1547(a), this rule now contains a new § 658.3(c). In an attempt to clarify the limits of agency action under the Act, the rule adds to that restatement a provision that once a federal agency has identified and taken into account any adverse effects on farmland of the assistance requested and has developed alternative actions, and the landowner or nonfederal agency that has initiated the project has considered those effects and alternatives, the agency may not deny assistance to the project on the basis of the Act or this rule if the landowner or nonfederal agency wishes to proceed with the project on farmland.

4. What Responsibility Does the Act Give to the Department to Oversee Compliance With the Act by all Agencies of the Federal Government?

In its comments, the American Farmland Trust stated that the Department has a role of "primary responsibility" in implementing the Act and that the rule should specify procedures by which the Department will assume that role. Comments from 10 state departments of agriculture, six local government agencies, the Association of Public Justice, the National Trust for Historic Preservation, as well as other organizations and three private individuals expressed similar thoughts. The comments specifically cited the lack of: Any requirement that federal agencies document their consideration of the effects of farmland conversions; any monitoring or enforcement mechanisms; and the lack of procedures for the Department's oversight of federal agencies' compliance activities. Also, some asserted that the Secretary is required to report anually to the Congress under section 1546 of the Act and that the rule should require other federal agencies to report data needed to the Department. However, other respondents, including the American Farm Bureau Federation, indicated that the role for the Department identified in the proposed rule is consistent with and supportive of efforts to protect farmland and that any further role would expand upon the authorities of the Act.

While one of Congress's findings, stated in the Act in section 1540(a)(6), is that the Department is the agency "primarily responsible for the implementation of federal policy with respect to United States farmland," the

Act grants no express authority to the Secretary or the Department to devise enforcement or oversight procedures over other federal agencies. Nor does it assign the Department a role of encouraging other federal agencies to protect farmland. The Act is workable without giving any further role to the Department to oversee compliance with the Act by all the agencies of the Federal Government. Each agency is to be responsible for its own adherence to the mandate of the Act, and each agency could then be monitored as to its compliance with the Act by an appropriate request for such information by Congress, by another interested federal agency, or by members of the public. The Act does not assign the Department the role of enforcement. Section 1546 of the Act requires the Secretary to report to the Congress only one time. That requirement has been met.

5. Do Criteria in the Rule Properly Assess Effects of Federal Programs on Conversion of Farmland?

Responses from the Rhode Island Department of Agriculture and the California Department of Transportation stated that the rule does not meet the requirements of the FPPA for the development of criteria to identify the effects of federal "programs" on the conversion of farmland. Rather, the rule addresses the worthiness of farmland for protection on a project-by-project basis.

The reference to federal "programs" in section 1541 has been interpreted in light of the definition contained in section 1540(c)(4), which states that a federal program means "activities or responsibilities" of a department or agency. Therefore, the Department has focused on the program activities or actions of federal agencies as the appropriate way to assess any adverse effects of federal programs on farmland. Section 1542 requires each federal agency, with the assistance of the Department, to review current provisions of law, administrative rules and regulations, and policies and procedures and to propose actions to bring its programs, authorities and administrative activities into compliance with the purpose and policy of the FPPA. It is under this Section of the Act that the Department expects to be involved with the agencies in considering their program priorities or assessing the effects of their program rules and regulations on farmland protection.

6. Has the Public Been Suitably Informed About the Rule?

In their comments, the Massachusetts Department of Agriculture and the American Farmland Trust suggested that public hearings on the rule be held before its publication.

This rule has been through an extensive public review and comment process. It is the Department's determination that such hearings would unduly delay promulgation of the rule and that the final rule accommodates the public comments to the extent possible.

The Colorado Department of Agriculture and the American Farmland Trust requested that the Department prepare and distribute a detailed handbook or manual on complying with the FPPA rule. The Natural Resource Defense Council, the National Farmers Union and others suggested that the Soil Conservation Service National Agricultural Land Evaluation and Site Assessment (LESA) System Handbook be cited as a reference in the final rule.

The Department believes that the rule itself, including this preamble, will resolve many of the concerns giving rise to these suggestions. If it appears necessary after the final rule has been in effect for 1 year, the Department will consider providing the requested handbook or manual. The SCS Handbook for the LESA system is now available from SCS offices.

Comments on § 658.1

Comments regarding § 658.1 were received from the Department of Transportation, four state agencies, and seven organizations. The major concern expressed was that the rule and the Act, by requiring federal agencies to ensure that their programs are compatible, to the extent practicable, with "private programs and policies to protect farmland," would invite the obstruction of federal projects by any small group of citizens styling themselves as such a "private program." These responses requested clarification of what is meant by "private programs." Other respondents requested clarification of what is meant by state and local government programs and policies to protect farmland.

As a result of these comments, the Department has now defined "private program" in § 658.2(e) of the rule and "state and local government programs and policies" in § 658.22(d) of the rule.

Comments on § 658.2

1. Several parties commenting, including three state agencies, the California Chamber of Commerce, California Building Industry Association, California Association of Realtors, and the Wisconsin Land Conservation Association proposed different definitions of "farmland" from that in the proposed rule.

Section 1540(c)(1) of the Act already contains a statutory definition of "farmland" for purposes of the Act and thus it must be followed in the rule.

2. The reference to 7 CFR 657.5 has been deleted from the definition of "farmland" because its inclusion would imply automatic concurrence by the Secretary of Agriculture in any determination made pursuant to that section by a state or local government identifying farmland of statewide or local importance. The Act, in section 1540(c)(1)(C), calls for the Secretary to make his own determination, on a case-by-case basis, of whether the farmland determined by the state or local government to be "of statewide or local importance" should be considered farmland for purposes of the Act.

3. The Act, in defining "farmland" in section 1540(c)(1), states that "land already in or committed to urban development or water storage" is not "prime farmland" for purposes of the Act. This means that an agency need not consider the impact of a project on prime farmland which is either "already in" urban development or "committed to urban development."

The Department will treat prime farmland as "already in" urban development if the site meets a density standard of at least 30 structures per 40 acres. This is the standard that SCS has used in delineating "urban and built-up areas" on its County Base Maps which are kept in SCS field offices and updated every five years as part of the National Resource Inventory (NRI).

In addition, comments received from the California Cattlemen's Association, the California Chamber of Commerce, the California Association of Realtors and other groups advocated that "lands already in, committed, planned or zoned for other than an agricultural use by the state or any unit of local government" be exempt from the Act. The Department has concluded that if a state or local government has, by planning or zoning, designated the use of any tract of prime farmland for commercial or industrial use or residential use that is not intended at the same time to protect farmland, this action has thereby "committed" such land to "urban development," even though it may not currently be in urban uses. Thus, as this would be prime farmland "committed to urban development," a project on prime farmland that is so designated by local

or state planning or zoning would not require a federal agency's examination of the project's impact on farmland.

Land use planning and zoning are prerogatives of state and local government, not the Federal Government. Section 1547(a) of the Act states that the Federal Government may not use the Act "in any way to regulate the use of private or nonfederal land, or in any way affect the property rights of owners of such land."

If a federal agency were required by the Act to assess the impacts of a project on prime farmland not yet in urban development but already designated by the state or local government for urban development through planning or zoning, the only purpose of the requirement would be for that agency to weigh alternative sites that would lessen the impact of the project on farmland. If the agency, based on its assessment pursuant to the Act, should then decide to refrain from building its project on the proposed site, it would be declining itself to use the proposed site for urban development when local or state planning or zoning had already declared urban uses to be acceptable on the site. This would be an intrusion by the Federal Government in the function of land use planning of state and local governments.

For this reason, the rule now specifies, in § 658.2(a), that prime farmland "committed to urban development," that is, land excluded from the Act's coverage, includes all such land zoned or recently planned for a nonagricultural use by a state or unit of local government.

4. The existence of a land use plan will not, however, automatically be a basis for assigning land for purposes of the Act and this rule to the status prescribed by such a plan. A large number of units of local government have land use plans adopted many years ago for one or another purpose which have not been reviewed or updated in a comprehensive way since adoption. Consequently, for land to be assigned the status provided for it in a land use plan, the plan must (1) have been intended to be a comprehensive land use plan for the area in question, and (2) have been expressly adopted or reviewed in its entirety within the 10 year period preceding proposed implementation of the particular federal program.

5. Comments of the Edison Electric Institute suggested the rule state that the Act does not apply to federal "permitting" and "licensing" activities and agreements necessary for use or occupancy of federal lands, or to electrical service ratemaking.

Section 1540(c)(4) of the Act defines federal programs subject to the Act as those that undertake, finance or assist construction or improvement projects or those that acquire, manage or dispose of federal land or facilities. The Department has concluded that those carefully selected words were intended to exclude from the definition of "federal program," the grant of a permit or license. The Department also has concluded that this definition does not extend to federal regulatory agencies' actions in setting rates for utility service.

Comments on § 658.3

Several comments relating to § 658.3 were received. Most of them requested that the rule provide exclusions or exemptions for specific kinds of projects or program actions. Some requested that definitions of some terms be included in the rule. Summaries of the comments and the Department response follow.

1. Comments from three federal agencies, nine state agencies, and six organizations, objected to the June 22, 1982 date at which time agencies should begin complying with the FPPA. One comment asserted that the date of compliance should be the date of the final rule. Other comments asserted that agencies should not be required to comply with the provisions of the rule for projects that were undertaken prior to its issuance.

The Act, in section 1549, states that the provisions of the Act should become effective 6 months after its date of enactment, i.e., June 22, 1982. However, that was not the actual date when agencies were in a position to consider the impacts of projects on farmland in compliance with section 1541(b) of the Act. To comply with that obligation under the Act, the criteria which this rule sets forth are a prerequisite to compliance. So the effective date for agencies to comply with section 1541(b) will be 30 days after publication of this rule in the **Federal Register.**

2. Comments from the Rural Electrification Administration, Department of Transportation, Department of Housing and Urban Development, Department of Energy, 12 state departments of highways or transportation, the Pacific Gas and Electric Company, and the Soil Conservation Society of America suggested that exemptions for certain kinds of projects should be granted in the rule. These include:

Categorical exclusions as referred to in NEPA;
Farm-to-market highways or roads;
Electric transmission lines;
Projects that convert less than some minimum acreage of farmland, such as 10 acres; and
Construction of farm homes, storage buildings and livestock facilities.

The Act does not authorize the Secretary of Agriculture to grant exemptions, but specifies exemptions contained in section 1540(c)(4) and section 1547(b). However, the Act does not apply to construction of farmhouses, storage buildings, livestock holding facilities or any other structures applicable to the operations of a particular farm unit or units because such action does not convert farmland to nonagricultural uses.

3. Comments from the Department of Housing and Urban Development, the National Association of Home Builders, and others asserted that programs that merely provide federal guarantees for loans made between private parties with private funds, such as the mortgage insurance programs of the Federal Housing Administration (FHA) and the mortgage guarantee program of the Veterans Administration (VA), are not covered by the Act since they do not entail "undertaking, financing or assisting construction or improvement projects," under section 1540(c)(4) of the Act.

Insuring or guaranteeing loans for construction of housing or other structures under these programs is a form of financing or assistance. It thus is a federal action that may contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, to the extent that such insurance or guarantees are relied upon for the construction to take place. Where a loan not for construction but for purchase of an existing house or other structure is guaranteed or insured, the proposed action would not convert farmland and therefore is not covered by the Act.

However, since the Act does not provide any basis for denial of assistance solely because farmland is being converted, neither the Act nor this rule could operate to interfere with this form of financing or assistance once the agency had identified and taken into account any adverse effects on farmland and considered alternative actions, as required by the Act.

4. The Bureau of Land Management asserted that the FPPA would not apply to actions of the agency related to surface mining on lands containing leasable coal or phosphate and subject to the Surface Mining Contol and Reclamation Act of 1977, Pub. L. 95-87.

Since that act presumes that farmland used for surface mining can be

reclaimed and reused for agriculture, there is no irreversible conversion to nonagricultural use and USDA concurs with BLM's interpretation.

5. Section 1547(b) of the Act states that "none of the provisions or other requirements of this subtitle shall apply to the acquisition or use of farmland for national defense purposes." The U.S. Department of Transportation asserted that since the entire interstate highway system has been intended for defense purposes (see 23 U.S.C. 210) and since the Department of Defense considers another 12,000 miles of highways essential for defense purposes, these roads are exempt from the Act under section 1547(b).

The Department believes Congress intended acquisition of land for highways to be a major focus of the FPPA and does not believe Congress intended such an extensive number of highways to be exempt from the Act under the "national defense" exemption. It is doubtful that the evaluation required by the FPPA would result in halting construction of any addition to the interstate highway system specifically deemed necessary for national defense purposes. Presumably the national defense purpose of such a highway would override the importance of protecting farmland.

6. The National Park Service (NPS) asserted that NPS lands are exempt from the FPPA and that future acquisitions under the Land and Water Conservation Fund should be exempt.

The Department of Agriculture agrees that NPS lands acquired prior to the effective date of the final rule are not covered by the Act if used for the stated purpose, since the intent of both the Congress and the Administration for use of such lands is expressed in the legislation under which such lands were acquired. However, farmlands proposed for future acquisition under the Land and Water Conservation Fund or by other means of purchase should be evaluated as required by the Act.

7. Farmers Home Administration suggested that definitions are needed for the terms "planning stage" and "active design" used in § 658.3(b)(2) of the proposed rule.

The rule in § 658.2(c) now defines those terms.

8. The Rural Electrification Administration asserted that small electric and telephone projects and buried electric and telephone cables should be exempted from the analysis requirements of the Act as should service extensions to farms and projects that take place within road rights-of-way.

Buried utility lines that do not prevent farming operations over them would not be subject to the Act. Unless farming is not permitted over the buried lines or in the right-of-way, construction of such lines does not irreversibly convert farmland to nonagricultural uses. Likewise, projects built entirely within highway rights-of-way do not convert farmland.

9. Several comments recommended incorporating in the rule a restatement of section 1548 of the Act which prohibits use of the FPPA as a basis for legal action challenging a federal project that may affect farmland.

A statement reiterating section 1548 of the Act and applying it to the rule as well as the Act, has been added to § 658.3 of the rule.

Comments on the Criteria § 658.4

The greatest number of comments received relate to § 658.4 of the proposed rule, which sets forth the criteria for evaluating the effects of proposed program actions on the conversion of farmland to nonagricultural uses. While there were a large number of comments received, they addressed only a few concerns. These are listed and discussed below.

1. Several responses, such as those from the Rural Electrification Administration, Farmers Home Administration, two state transportation departments, and the Pacific Gas and Electric Company asked that there be specific guidance for federal agencies in applying the criteria to projects such a roads, pipelines, electric transmission lines, and water transmission facilities. These are often called "corridor projects."

In the rule, the criteria and guidelines now have been modified to accommodate these linear or corridor-type projects.

2. The Department of Housing and Urban Development, the Department of Energy, the Department of the Army, and two state agencies felt that SCS should be given only 30 days or less to respond to agency requests for assistance rather than 45 days. Others felt "a responsive" answer should be given within the 45-day period.

The 45-day period in the proposed rule did not specify whether the 45 days were "working" or "calendar days." In the Department's view, 45 calendar days is the period reasonably required to determine whether the proposed site is farmland and, if it is, to complete the Land Evaluation. In the rule, § 658.4(a) now makes the clarification that SCS is to give this response in 45 calendar days. Cooperative Soil Surveys are completed for an estimated 85 percent of the Nation's farmland where proposed conversions are anticipated. Where these exist, the response should be made in less than 45 days. Now the rule states that if SCS fails to complete land evaluation within the 45-day period, and if further delay would interfere with construction activities, the agency should proceed as though the site were not farmland. The best assurance that the 45-day period will not delay an action is for the agency to request a determination as early as possible in the decisionmaking process.

3. A number of federal, state, and local government agencies, organizations, and individuals criticized criterion number 10 in the proposed rule. They argued that if the criterion took into account all of an owner's or developer's preproject investments in the site, such as engineering or architectural studies, this might encourage the owner or developer to make as many expenditures as possible before the agency made its assessment of the site, in order to obtain the lowest possible score on this criterion. In view of this criticism and of the insertion of § 658.3(c) to insure that federal assistance to a project could not be denied based on the Act or this rule, criterion number 10 now has been omitted.

4. Several comments were addressed to the site assessment criteria as a group. Comments from the Department of Energy, the Department of Transportation, the California Realtors Association and four other California based organizations suggested that the site assessment criteria be dropped entirely from the rule. A greater number, including comments from federal, state and local agencies and organizations, complained that the indicators for scoring were too vague. The United States Postal Service and the Louisiana Department of Transportation and Development suggested that the criteria be used for general guidance but that there should be no scoring system.

The scoring system included in the criteria is taken from the Agricultural Land Evaluation and Site Assessment (LESA) system developed by the SCS. State and local officials in about 400 jurisdictions of 45 states nationwide have adopted or are studying LESA systems with assistance from SCS. The Department believes the use of numerical indices for scoring farmlands has proved to be a useful technique at state and local government levels for making defensible land use decisions and so their use is appropriate for the criteria provided in this rule. The Department has tested these criteria on

27 sites in seven counties in four states and found that the scores from these criteria were consistent in all cases with the scores from existing local LESA systems. For certain criteria in the proposed rule whose indices were criticized as too vague, percentages and distances now have been added to provide additional guidance in assigning scores. Some of the indices for scoring site assessment criteria call for adjustments to be made at the local level and scores may vary with local conditions

5. Many comments suggested that language be added to the rule to give state and local units of government greater participation in or control of the process for assessing the effects of proposed federal actions on farmland. These included comments from several state and local government agencies, the Association of Illinoi Soil and Water Conservation Districts, the Illinoiis South Project, the Piedmont Environmental Council and others. The California State Grange stated that the criteria must recognize the ability of local governments to determine and control land use within their jurisdiction. The California Chamber of Commerce stated it is essential that local governments be given a primary role under the Act within the rule. The National Association of Home Builders recommended the rule be rewritten to increase the importance of the requirements for compatibility of federal agency actions with state and local agricultural preservation programs.

As mentioned in the preceding discussion, with assistance from SCS, some 400 units of local government in 45 states, as well as some state governments, are developing and adopting Land Evaluation and Site Assessment (LESA) systems to evaluate the productivity of agricultural land and its suitability for conversion to nonagricultural use. Therefore, certain states and units of local government may have already performed an evaluation using criteria similar to those contained in this rule applicable to federal agencies.

Language now has been added to § 658.4 of the rule recommending that federal agencies use state and local agricultural land evaluation and site assessment systems that are on the SCS state conservationist's list of systems that meet the purposes of the FPPA.

6. The Natural Resources Defense Council, the American Farmland Trust, the National Farmers Union and others asserted that direct analysis of the impacts of project alternatives should be used in addition to land evaluation and site assessment criteria, and offered eight criteria for inclusion in the rule.

Of the eight criteria suggested, the proposed rule included four. Now the rule includes six of them. The rule still does not accommodate suggestions that the number of farms to be affected by a proposed action and the prospective impacts on farmers' incomes should be included as criteria. Congress apparently intended the Act to protect farmland per se, not farms as economic units. Nor is the number of farms affected a reliable measure of economic impact, if economic impact were to be considered. The Department believes that data on the prospective impacts on farmers' incomes would be nearly impossible to collect and in any event, protecting farmers' incomes is not a purpose of the Act.

7. A number of parties recommended that site assessment criteria 5 and 6 of the proposed rule not be included as site assessment criteria. Their position was that by calling on the agency to assess special siting requirements of the project (criterion 5) and alternative sites (criterion 6), these criteria represented the kind of final judgment that the agency would make after assessing the site according to the other criteria. Hence the criteria did not belong in the same scoring system with the other criteria. Such comments were received from the National Association of Realtors, the California Building Industry Association, the Irvine Company, the Pacific Legal Foundation and the Farmers Home Administration.

The Department agrees. Criteria 5 and 6 have been dropped as site assessment criteria but made a part of the guidelines for using the criteria.

8. Farmers Home Administration and the Utah Department of Agriculture both questioned the validity of criterion 7 of the proposed rule since it appeared to be applicable only where the local jurisdiction had a comprehensive plan in force.

The Department has dropped criterion 7 and has revised criterion 4 to incorporate the definitions of "state or local government policies or programs to protect farmland" and of "private programs to protect farmland." These are to be considered only where they exist.

9. The proposed rule stated that based on the land evaluation criteria set forth in § 658.4, "all farmland will be evaluated and each parcel assigned an overall score between 0 and 100 representing its value as farmland relative to other parcels in the area." The National Cattlemen's Association, addressing this in its comments, objected to SCS or any other federal agency measuring "the value of a site as farmland," adding "this should be a local decision at the lowest possible level of government, preferably locally-governed soil and water conservation districts." The National Cattlemen's Association's concern appears to be that the rule will cause federal agency personnel to make unsolicited price appraisals of privately-owned farmland in the course of their data collection activities.

To address this concern, the term now used in the final rule is "relative value." "Relative value" is based purely on soils data collected by SCS. Expressed on a scale of 0 to 100, it indicates the usefulness of a parcel of land as farmland for sustained productivity, compared to other land in the jurisdiction. It would be separate and distinct from the price of the land, which would in any event depend on the real estate market and the nonsoil, as well as the soil, characteristics of the property.

10. The Environmental Protection Agency, among others, believed that the proposed rule would tend to work against protection of farmland near urbanized areas. EPA proposed adding criteria to favor protection of close-in farmland in order to counterbalance those criteria on which close-in farmland would receive low scores.

Admittedly, use of the national criteria contained in the rule will discriminate to some degree against the protection of farmland close to urban areas. It is the Department's position that the purpose of the Act is to protect the best of the Nation's farmlands which are located where farming can be a practicable economic activity. The Department anticipates that population increases for the United States in the next 50 years will require conversion of some land from farm to other uses, that land nearest urban built-up areas are the most likely candidates for such conversions, and that converting these lands is preferable to having development put pressure on more productive farmlands farther from these urban built-up areas. The FPPA is not designed for the protection of open space, historic farms, recreation opportunities, or a particular rural lifestyle.

Comments on Guidelines for Use of the Criteria § 658.5

1. A number of comments asserted that because the proposed rule allowed agencies to use any relative weighting of the criteria that they desired in determining the point totals for protection of a site as farmland, this

would permit an agency to assign weights so as to preselect the results of the analysis. This concern was shared by the Rural Electrification Administration, Ohio Department of Transportation, Wisconsin Department of Agriculture, Whitman County, Washington, Regional Planning Council, National Association of State Departments of Agriculture, Illinois South Project, Association for Public Justice, Wisconsin Land Conservation Association and others.

The Department believes each agency should have the flexibility to judge for itself whether the weighting pattern in this rule is the appropriate one for that agency's programs. However, in response to these comments, the Department now recommends in the rule that an agency desiring to depart from the weighting pattern of the criteria in the rule should comply with two safeguards. First, the agency, in consultation with the Department, should use the rulemaking process to establish the change, and second, the variation on the basic weighting pattern that the agency adopts should be uniformly applied within the agency so as to prevent the agency from preselecting a particular weighting pattern that would insure a particular score for a project.

2. The American Farmland Trust, the Rural Electrification Administration and many others raised concern over the assignment of equal weights to all 16 site assessment factors.

Based on comments received, the weighting has been revised to reflect a difference in importance ranging from a high score of 20 points to a high score of 5 points. The total points for the site assessment criteria remains 160, based on a redistribution of the points among the 12 criteria. Even though the number of criteria has dropped from 16 to 12, the 160 point total for the site assessment has been retained in order to retain the same balance of weighting between the site assessment and land evaluation criteria which, when the scores are added together, provide the point score for a farmland impact rating on Form AD-1006 (see § 658.3 of the rule).

3. Comments from the Sierra Club, National Audubon Society, Natural Resources Defense Council and others noted that the rule fails to require that an agency consider alternatives to the proposed project itself. They maintain that the Act calls for the agency to consider alternative actions, including the alternative of not doing the project at all, and not just alternative sites for a proposed action. They also assert that the rule assumes the necessity of the proposed action.

Guidelines for the use of the criteria, now found in § 658.4 of the rule, indicate that when a site obtains a threshold score of 160 points, the agency should consider alternative sites, locations and designs. This process should lead the agency to consideration of alternative actions as well as alternative sites for proposed program actions.

Compliance with the FPPA is but one of the requirements that federal agencies must meet in approving or disapproving projects. The FPPA rule does not assume the necessity of the project. The necessity for the project is left to be determined by the agency on the basis of economic and environmental analyses and its statutory program responsibilities as well as on the basis of the effects of the project on farmland.

Section 1542 of the Act calls on federal agencies to review and revise if necessary, their agencies' administrative regulations, policies and procedures to achieve conformity with the Act. In this process, it is anticipated that the agencies will identify actions they can take to alter project design to reduce effects on farmland.

Comments on Technical Assistance § 658.6

1. Comments from the National Association of Realtors and the Wisconsin Department of Agriculture, Trade and Consumer Protection suggested that the consultation process with elected state and local officials discussed in § 658.6(e) of the proposed rule be required and that private landholders be given the opportunity for consultation.

The consultation process discussed in § 658.6 would be pursuant to Executive Order 12372. That Executive Order and the various federal agency regulations pertaining to its implementation are in place and federal agencies are to comply. The § 658.6(e) was therefore deleted as an unnecesary part of this rule.

2. The National Cattlemen's Association observed that language used in § 658.6 of the proposed rule misquoted the Act. They stated that there was nothing in section 1543 of the Act which authorized the Secretary to provide technical assistance to "protect farmland" or to "guide urban development."

The Department concurs with this comment. The language used was an inadvertent misquotation of the Act. The correct wording "encourages" the Secretary to provide technical assistance to an agency "that desires to develop programs or policies to limit the conversion of productive farmland to nonagricultural uses." This now has been corrected in the rule.

3. The New Mexico Cattle Grower's Association, the California Association of Realtors, the California Chamber of Commerce, the California Cattlemen's Association and others suggested eliminating the reference in § 658.6(c) of the proposed rule to Forest Service cooperation in planning for uses of land adjacent to National Forests and consideration, wherever practicable, of coordinating the management of National Forest lands with the management of adjacent lands. They maintained that this language suggested that the Forest Service would be in a position to influence land use policies on lands adjacent to National Forests, and they did not want this possiblity to arise.

To eliminate any misunderstanding, this entire statement now has been eliminated in the revised proposed rule.

4. The National Cattlemens' Association, the New Mexico Cattle Growers' Association and others expressed concern that development of maps designating farmlands would define those to be protected permanently by the Act as farmland, even though conditions were likely to change over time.

The comment apparently is based on the premise that designating or identifying farmlands on maps is comparable to zoning and that such lands will be permanently protected from conversion by law. The Act does not protect per se any farmland from being converted to nonagricultural use. The Act and the rule simply require that federal agency decisionmakers consider the effects of proposed actions on the conversion of farmland and consider alternatives that would lessen such effects. Maps would simply indicate those lands that would fall under the purview of the Act.

5. American Farmland Trust and others suggested that the Department provide information to federal agencies, state and local governments and others regarding provsions of the FPA and its implementing rule.

The Department will be providing information to other federal agencies and state local governments concerning the rule. Upon request, SCS will assist federal agencies in training personnel to implement the Act. The Extension Service is responsible for designing and implementing educational programs and materials in accordance with section 1544(a) of the Act. The National Agricultural Library has been designated a a farmland information

center in accordance with section 1554(b) of the Act.

Comments on USDA Assistance § 658.7

The Illinois Department of Agriculture wanted § 658.7 of the proposed rule to be written more forcefully. The Delaware State Grange, Inc., wanted to eliminate the words "as appropriate" in § 658.7(a) of the proposed rule, as well as the words "This assistance is provided on request, as permitted by staffing and budget limitations."

In the proposed rule, § 658.7 simply repeated language contained in the Act and it has not, therefore, been modified in this final rule.

This action has been revised under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated "nonmajor." The Assistant Secretary for Natural Resources and Environment has determined that this action will not have economic impact on the economy of $100 million or more; result in a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or result in significant adverse efffects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

This document has been prepared in the Office of the Assistant Secretary for Natural Resources and Environment, Department of Agriculture, with the assistance of the Land Use Division of the Soil Conservation Service.

List of Subjects in 7 CFR Part 658

Agriculture, Soil conservation, Farmland.

Accordingly, Part 658 is added to Title 7 of the Code of Federal Regulations, Table of Contents and text to read as follows:

PART 658—FARMLAND PROTECTION POLICY ACT

Sec.

Authority: Sec. 1539–1549, Pub. L. 97–98, 95 Stat. 1341–1344, (7 U.S.C. 4201 et seq.).

§ 658.1 Purpose.

This part sets out the criteria developed by the Secretary of Agriculture, in cooperation with other federal agencies, pursuant to section 1541(a) of the Farmland Protection Policy Act (FPPA or the Act) 7 U.S.C. 4202(a). As required by section 1541(b) of the Act, 7 U.S.C. 4202(b), federal agencies are (1) to use the criteria to identify and take into account the adverse effects of their programs on the preservation of farmland, (2) to consider alternative actions, as appropriate, that could lessen adverse effects, and (3) to ensure that their programs, to the extent practicable, are compatible with state and units of local government and private programs and policies to protect farmland. Guidelines to assist agencies in using the criteria are included in this part. The Department of Agriculture (hereinafter USDA) may make available to states, units of local government, individuals, organizations, and other units of the Federal Government, information useful in restoring, maintaining, and improving the quantity and quality of farmland.

§ 658.2 Definitions.

(a) "Farmland" means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or of local importance. "Prime farmland" does not include land already in or committed to urban development or water storage. Prime farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40 acre area. Prime farmland "committed to urban development or water storage" includes all such land that has been designated for commercial or industrial use or residential use that is not intended at the same time to protect farmland in a (1) zoning code or ordinance adopted by a state or unit of local government or (2) a comprehensive land use plan which has expressly been either adopted or reviewed in its entirety by the unit of local government in whose jurisdiction it is operative within 10 years preceding implementation of the particular federal project.

(b) "Federal agency" means a department, agency, independent commission, or other unit of the Federal Government.

(c) "Federal program" means those activities or responsibilities of a department, agency, independent commission, or other unit of the Federal Government that involve undertaking, financing, or assisting construction or improvement projects or acquiring, managing, or disposing of federal lands and facilities. The term "federal program" does not include federal permitting, licensing, or rate approval programs for activities on private or nonfederal lands. The term "federal program" does not include construction or improvement projects that were beyond the planning stage on the date 30 days after publication of the final rule in the **Federal Register**, if:

(1) Acquisition of land or easement for the project has occurred, or

(2) All required federal agency planning documents and steps were completed and accepted, endorsed or approved by the appropriate agency and;

(3) A final environmental impact statement was filed with EPA or an environmental impact assessment was completed and a finding of no significant impact was executed by the appropriate agency official(s). "In the active design state" shall mean that the engineering or architectural design had begun or had been contracted for on or prior to the date 30 days after publication of the final rule in the **Federal Register.**

(d) "State or local government policies or programs to protect farmland" include: Zoning to protect farmland; agricultural land protection provisions of a comprehensive land use plan which has been adopted or reviewed in its entirety by the unit of local government in whose jurisdiction it is operative within 10 years preceding proposed implementation of the particular federal program; completed purchase or acquisition of development rights; completed purchase or acquisition of conservation easements; prescribed procedures for assessing agricultural viability of sites proposed for conversion; completed agricultural districting and capital investments to protect farmland.

(e) "Private programs to protect farmland" means programs for the protection of farmland which are pursuant to and consistent with state and local government policies or programs to protect farmland of the affected state and unit of local government, but which are operated by a nonprofit corporation, foundation, association, conservancy, district, or other not-for-profit organization existing under state or federal laws. Private programs to protect farmland may include: (1) Acquiring and holding development rights in farmland and (2) facilitating the transfer of development rights of farmland.

(f) "Site" means the location(s) that would be converted by the proposed action(s).

(g) "Unit of local government" means the government of a county, municipality, town, township, village, or other unit of general government below the state level, or a combination of units of local government acting through an areawide agency under a state law or an agreement for the formulation of regional development policies and plans.

§ 658.3 Applicability and exemptions.

(a) Section 1540(b) of the Act, 7 U.S.C. 4201(b), states that the purpose of the Act is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Conversion of farmland to nonagricultural uses does not include the construction of on-farm structures necessary for farm operations. Federal agencies can obtain assistance from USDA in determining whether a proposed location or site meets the Act's definition of farmland. The USDA Soil Conservation Service (SCS) field office serving the area will provide the assistance. Many state or local government planning offices can also provide this assistance.

(b) Acquisition or use of farmland by a federal agency for national defense purposes is exempted by section 1547(b) of the Act, 7 U.S.C. 4208(b).

(c) The Act and these regulations do not authorize the Federal Government in any way to regulate the use of private or nonfederal land, or in any way affect the property rights of owners of such land. The Act and these regulations do not provide authority for the withholding of federal assistance to convert farmland to nonagricultural uses. In cases where either a private party or a nonfederal unit of government applies for federal assistance to convert farmland to a nonagricultural use, the federal agency should use the criteria set forth in this part to identify and take into account any adverse effects on farmland of the assistance requested and develop alternative actions that could avoid or mitigate such adverse effects. If, after consideration of the adverse effects and suggested alternatives, the applicant wants to proceed with the conversion, the federal agency may not, on the basis of the Act or these regulations, refuse to provide the requested assistance.

(d) Section 1548, 7 U.S.C. 4209, states that the Act shall not be deemed to provide a basis for any action, either legal or equitable, by any state, unit of local government, or any person or class of persons challenging a federal project, program, or other activity that may affect farmland. Neither the Act nor this rule, therefore, shall afford any basis for such an action.

§ 658.4 Guidelines for use of criteria.

As stated above and as provided in the Act, each federal agency shall use the criteria provided in § 658.5 to identify and take into account the adverse effects of federal programs on the protection of farmland. The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that such federal programs, to the extent practicable, are compatible with state, unit of local government and private programs and policies to protect farmland. The following are guidelines to assist the agencies in these tasks:

(a) An agency should first make a request to SCS on Form AD 1006, the Farmland Conversion Impact Rating Form, available at SCS offices, for determination of whether the site is farmland subject to the Act. If neither the entire site nor any part of it are subject to the Act, then the Act will not apply and SCS will so notify the agency. If the site is determined by SCS to be subject to the Act, then SCS will measure the relative value of the site as farmland on a scale of 0 to 100 according to the information sources listed in § 658.5(a). SCS will respond to these requests within 45 calendar days of their receipt. In the event that SCS fails to complete its response within the 45-day period, if further delay would interfere with construction activities, the agency should proceed as though the site were not farmland.

(b) The Form AD 1006, returned to the agency by SCS will also include the following incidental information: The total amount of farmable land (the land in the unit of local government's jurisdiction that is capable of producing the commonly grown crop); the percentage of the jurisdiction that is farmland covered by the Act; the percentage of farmland in the jurisdiction that the project would convert; and the percentage of farmland in the local government's jurisdiction with the same or higher relative value than the land that the project would convert. These statistics will not be part of the criteria scoring process, but are intended simply to furnish additional background information to federal agencies to aid them in considering the effects of their projects on farmland.

(c) After the agency receives from SCS the score of a site's relative value as described in § 658.4(a) and then applies the site assessment criteria which are set forth in § 658.5 (b) and (c), the agency will assign to the site a combined score of up to 260 points, composed of up to 100 points for relative value and up to 160 points for the site assessment. With this score the agency will be able to identify the effect of its programs on farmland, and make a determination as to the suitability of the site for protection as farmland. Once this score is computed, USDA recommends:

(1) Sites with the highest combined scores be regarded as most suitable for protection under these criteria and sites with the lowest scores, as least suitable.

(2) Sites receiving a total score of less than 160 be given a minimal level of consideration for protection and no additional sites be evaluated.

(3) Sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection.

(4) When making decisions on proposed actions for sites receiving scores totaling 160 or more, agency personnel consider:

(i) Use of land that is not farmland or use of existing structures:

(ii) Alternative sites, locations and designs that would serve the proposed purpose but convert either fewer acres of farmland or other farmland that has a lower relative value:

(iii) Special siting requirements of the proposed project and the extent to which an alternative site fails to satisfy the special siting requirements as well as the originally selected site.

(d) Federal agencies may elect to assign the site assessment criteria relative weightings other than those shown in § 658.5 (b) and (c). If an agency elects to do so, USDA recommends that the agency adopt its alternative weighting system (1) through rulemaking in consultation with USDA, and (2) as a system to be used uniformly throughout the agency. USDA recommends that the weightings stated in § 658.5 (b) and (c) be used until an agency issues a final rule to change the weightings.

(e) It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process. Under the agency's own NEPA regulations, some categories of projects may be excluded from NEPA which may still be covered under the FPPA. Section 1540(c)(4) of the Act exempts projects that were beyond the planning stage and were in either the active design or construction state on the effective date of the Act. Section 1547(b) exempts acquisition or use of

farmland for national defense purposes. There are no other exemptions of projects by category in the Act.

(f) Numerous states and units of local government are developing and adopting Land Evaluation and Site Assessment (LESA) systems to evaluate the productivity of agricultural land and its suitability for conversion to nonagricultural use. Therefore, state and units of local government may have already performed an evaluation using criteria similar to those contained in this rule applicable to federal agencies. USDA recommends that where sites are to be evaluated within a jurisdiction having a state or local LESA system that has been approved by the governing body of such jurisdiction and has been placed on the SCS state conservationist's list as one which meets the purpose of the FPPA in balance with other public policy objectives, federal agencies use that system to make the evaluation.

§ 658.5 Criteria.

This section states the criteria required by section 1541(a) of the Act, 7 U.S.C. 4202(a). The criteria were developed by the Secretary of Agriculture in cooperation with other federal agencies. They are in two parts, (1) the land evaluation criterion, relative value, for which SCS will provide the rating or score, and (2) the site assessment criteria, for which each federal agency must develop its own ratings or scores. The criteria are as follows:

(a) *Land Evaluation Criterion—Relative Value.* The land evaluation criterion is based on information from several sources including national cooperative soil surveys or other acceptable soil surveys, SCS field office technical guides, soil potential ratings or soil productivity ratings, land capability classifications, and important farmland determinations. Based on this information, groups of soils within a local government's jurisdiction will be evaluated and assigned a score between 0 to 100, representing the relative value, for agricultural production, of the farmland to be converted by the project compared to other farmland in the same local government jurisdiction, This score will be the Relative Value Rating on Form AD 1006.

(b) *Site Assessment Criteria.* Federal agencies are to use the following criteria to assess the suitability of each proposed site or design alternative for protection as farmland along with the score from the land evaluation criterion described in § 658.5(a). Each criterion will be given a score on a scale of 0 to the maximum points shown. Conditions suggesting top, intermediate and bottom scores are indicated for each criterion. The agency would make scoring decisions in the context of each proposed site or alternative action by examining the site, the surrounding area, and the programs and policies of the state or local unit of government in which the site is located. Where one given location has more than one design alternative, each design should be considered as an alternative site. The site assessment criteria are:

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent—15 points
90 to 20 percent—14 to 1 point(s)
Less than 20 percent—0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent—10 points
90 to 20 percent—9 to 1 point(s)
Less than 20 percent—0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent—20 points
90 to 20 percent—19 to 1 points(s)
Less than 20 percent—0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected—20 points
Site is not protected—0 points

(5) How close is the site to an urban built-up area?

The site is 2 miles or more from an urban built-up area—15 points
The site is more than 1 mile but less than 2 miles from an urban built-up area—10 points
The site is less than 1 mile from, but is not adjacent to an urban built-up area—5 points
The site is adjacent to an urban built-up area—0 points

(6) How close is the site to water lines, sewer lines and/or other local facilities and services whose capacities and design would promote nonagricultural use?

None of the services exist nearer than 3 miles from the site—15 points
Some of the services exist more than 1 but less than 3 miles from the site—10 points
All of the services exist within ½ mile of the site—0 points

(7) Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the county? (Average farm sizes in each county are available from the SCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with $1,000 or more in sales.)

As large or larger—10 points
Below average—deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average—9 to 0 points

(8) If this site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project—10 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project—9 to 1 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project—0 points

(9) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available—5 points
Some required services are available—4 to 1 point(s)
No required services are available—0 points

(10) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment—20 points
Moderate amount of on-farm investment—19 to 1 point(s)
No on-farm investment—0 points

(11) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted—10 points
Some reduction in demand for support services if the site is converted—9 to 1 point(s)
No significant reduction in demand for support services if the site is converted—0 points

(12) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual

conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible with existing agricultural use of surrounding farmland—10 points

Proposed project is tolerable to existing agricultural use of surrounding farmland—9 to 1 point(s)

Proposed project is fully compatible with existing agricultural use of surrounding farmland—0 points

(c) *Corridor-type Site Assessment Criteria.* The following criteria are to be used for projects that have a linear or corridor-type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information described in § 658.4(a). All criteria for corridor-type sites will be scored as shown in § 658.5(b) for other sites, except as noted below:

(1) Criteria 5 and 6 will not be considered.

(2) Criterion 8 will be scored on a scale of 0 to 25 points, and criterion 11 will be scored on a scale of 0 to 25 points.

§ 658.6 Technical assistance.

(a) Section 1543 of the Act, 7 U.S.C. 4204 states, "The Secretary is encouraged to provide technical assistance to any state or unit of local government, or any nonprofit organization, as determined by the Secretary, that desires to develop programs or policies to limit the conversion of productive farmland to nonagricultural uses." In § 2.62, of 7 CFR Part 2, Subtitle A, SCS is delegated leadership responsibility within USDA for the activities treated in this part.

(b) In providing assistance to states, local units of government, and nonprofit organizations, USDA will make available maps and other soils information from the national cooperative soil survey through SCS field offices.

(c) Additional assistance, within available resources, may be obtained from local offices of other USDA agencies. The Agricultural Stabilization and Conservation Service and the Forest Service can provide aerial photographs, crop history data, and related information. A reasonable fee may be charged. In many states, the Cooperative Extension Service can provide help in understanding and identifying farmland protection issues and problems, resolving conflicts, developing alternatives, deciding on appropriate actions, and implementing those decisions.

(d) Officials of state agencies, local units of government, nonprofit organizations, or regional, area, state-level, or field offices of federal agencies may obtain assistance by contacting the office of the SCS state conservationist. A list of Soil Conservation Service state office locations appears in Appendix A, Section 661.6 of this Title. If further assistance is needed, requests should be made to the Assistant Secretary for Natural Resources and Environment, Office of the Secretary, Department of Agriculture, Washington, D.C. 20250.

§ 658.7 USDA assistance with federal agencies' reviews of policies and procedures.

(a) Section 1542(a) of the Act, 7 U.S.C. 4203, states, "Each department, agency, independent commission or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such unit of the Federal Government from taking appropriate action to comply fully with the provisions of this subtitle."

(c) USDA will provide certain assistance to other federal agencies for the purposes specified in section 1542 of the Act, 7 U.S.C. 4203. If a federal agency identifies or suggests changes in laws, administrative rules and regulations, policies, or procedures that may affect the agency's compliance with the Act, USDA can advise the agency of the probable effects of the changes on the protection of farmland. To request this assistance, officials of federal agencies should correspond with the Chief, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013.

Dated: June 28, 1984.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment

[FR Doc. 84-17694 Filed 7-3-84; 8:45 am]

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Vol. 49, No. 130

Thursday, July 5, 1984

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Law numbers and dates	523-5282
	523-5266

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FEDERAL REGISTER PAGES AND DATES, JULY

CFR PARTS AFFECTED DURING JULY

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.

3 CFR

Proclamations:
5215.....27119

5 CFR

550.....27470

7 CFR

29.....27466
301.....27478
354.....27487
434.....27121
438.....27125
446.....27129
658.....27716
724.....27133
725.....27133
726.....27133
908.....27293
923.....27135
1464.....27133

Proposed Rules:
Ch. IX.....27524
251.....27159
434.....27160
446.....27162

8 CFR

100.....27136
238.....27136

9 CFR

92.....27136

12 CFR

4.....27293
220.....27295
304.....27487
330.....27294
561.....27294
563.....27295
564.....27294
571.....27295

13 CFR

140.....27138

Proposed Rules:
120.....27162
136.....27164

14 CFR

71.....27299
95.....27299

Proposed Rules:
93.....27323

16 CFR

305.....27142

17 CFR

Proposed Rules:
240.....27172

17 CFR

202.....27306
230.....27306
240.....27306
250.....27306, 27307
256.....27307
256a.....27307
257.....27307
270.....27306
275.....27306

19 CFR

101.....27142

Proposed Rules:
101.....27172

21 CFR

5.....27315, 27489
436.....27489
556.....27315
558.....27315

Proposed Rules:
510.....27453

24 CFR

207.....27489
255.....27489
888.....27658

Proposed Rules:
201.....27553
590.....27572

26 CFR

1.....27317

28 CFR

16.....27143

30 CFR

773.....27493
870.....27493
901.....27500
935.....27505
938.....27318
942.....27506

Proposed Rules:
913.....27324
920.....27582
942.....27325

31 CFR

500.....27144
515.....27144

Proposed Rules:
10.....27326

33 CFR

110.....27320
165.....27320

40 CFR

52.....27507
124.....27508
439.....27145
Proposed Rules:
52.....27583, 27584
271.....27585

41 CFR

Ch. 201.....27509

42 CFR

405.....27172
Proposed Rules:
405.....27422

45 CFR

96.....27145

47 CFR

2.....27146
73.....27146, 27320, 27321, 27509
74.....27147
76.....27152
Proposed Rules:
1.....27179
2.....27179
15.....27179
21.....27179
22.....27179
23.....27179
68.....27179
73.....27179, 27328–27331
76.....27179
81.....27179
83.....27179
90.....27179
94.....27179
95.....27179

49 CFR

387.....27288
1002.....27154
1039.....27321
Proposed Rules:
171.....27180
173.....27180
175.....27180
571.....27181
1039.....27333
1160.....27182
1165.....27182

50 CFR

17.....27510
267.....27514
611.....27155, 27322, 27518
630.....27521
652.....27156
663.....27518
672.....27322, 27521
674.....27522
675.....27322

Proposed Rules:

17.....27183
32.....27334

List of Public Laws

Last List June 29, 1984

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S.J. Res. 297 / Pub. L. 98–330

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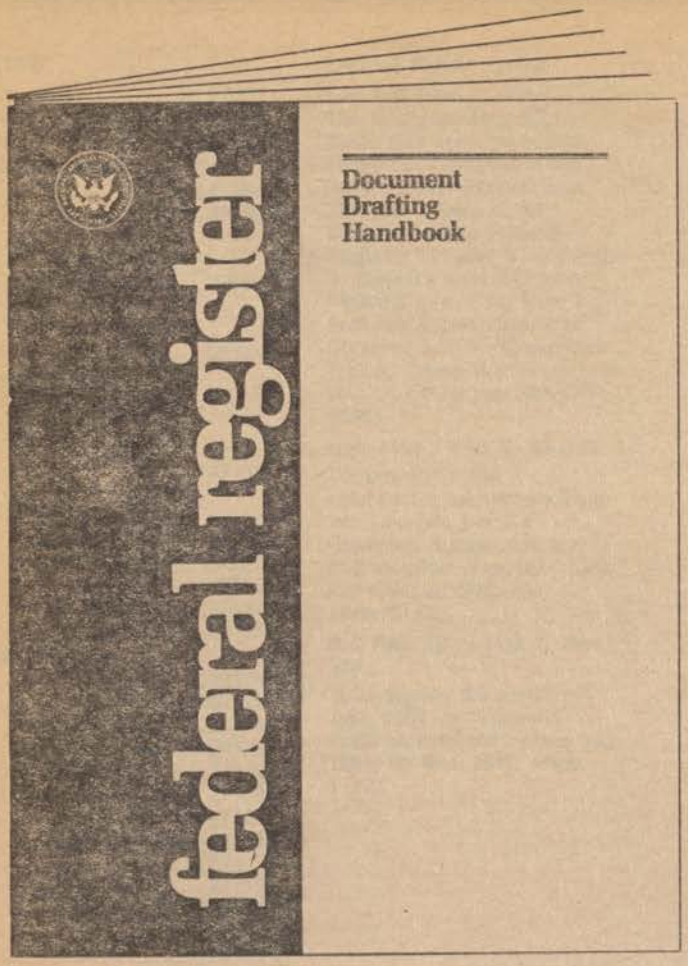

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882