Subpart G of Part 71, Section 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in FAA Order 7400.6, Compilation of Regulations, dated January 3, 1984, is amended, effective 0901 GMT, July 5, 1984, as follows:

Lake Jackson, TX—[Amended]

That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the Brazoria County Airport (latitude 29°06'35" N., longitude 95°27'43" W.)

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on May 8, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-13536 Filed 5-18-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ASW-12]

Designation of Transition Area; Fairfield, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Fairfield, TX. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Pyramid Ranch Airport. This amendment is necessary since the airport owner plans to install a nondirectional radio beacon (NDB) on the airport and an SIAP will be developed for the approach. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: July 5, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On March 15, 1984, a notice of proposed rulemaking was published in the **Federal Register** (49 FR 9742) stating that the Federal Aviation Administration proposed to designate the Fairfield, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in the FAA Order 7400.6, Compilation of Regulations, dated January 3, 1984, is amended, effective 0901 GMT, July 5, 1984, as follows:

Fairfield, TX—New

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of the Pyramid Ranch Airport (latitude 31°51'45" N., longitude 96° 11'50" W.) and within 3 miles each side of the 039 degree bearing of the NDB (latitude 31°51'45" N., longitude 96°11'43" W.) extending from the 6.5-mile radius area to 8.5 miles northeast.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on May 8, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-13535 Filed 5-18-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM83-1-000; Order No. 375]

Rules of Practice and Procedure; Reconsideration of Initial Decisions

Issued: May 16, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its Rules of Practice and Procedure to require, in designated wholesale electric rate cases, the filing of motions for reconsideration of initial decisions as a prerequisite for seeking Commission review of those decisions. The rule is intended to improve the quality and timeliness of the Commission's decisionmaking process in two ways. First, the Administrative Law Judges (ALJs) will have a chance to revise their initial decisions after the parties have reviewed them. Second, the Commission will be able to summarily adopt initial decisions in routine electric rate cases. This new procedures is designed to save time and expense for both the parties to the designated cases and the ratepaying public.

EFFECTIVE DATE: This rule will become effective June 20, 1984.

FOR FURTHER INFORMATION CONTACT: Karen Hurwitz, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, J. David Hughes, A. G. Sousa and Oliver G. Richard III.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its Rules of Practice and Procedure to require the filing of motions for reconsideration of initial decisions in designated wholesale electric rate cases as a prerequisite for seeking Commission review of those decisions. This rule is designed to improve the quality and timeliness of the Commission's decisionmaking process. The objective of the rule is to provide the Commission with initial decisions that can be summarily adopted. If the Commission can adopt initial decisions in their entirety, it can avoid much of the time involved in drafting Commission opinions. This time savings will shorten the decisional process for electric rate cases.

II. Background

The notion that the Commission's decisional process in electric rate cases would be significantly improved by requiring participants, who are dissatisfied with an initial decision, to seek reconsideration of that decision before Commission review is not a new idea. In a report to Congress, issued on January 23, 1980, a former Chairman of the Commission stated:

> The Commission can affirm its administrative law judges summarily. But it rarely does so * * *.
>
> I therefore intend to propose to the Commission new procedures that will, I believe, make for speedier decisions in wholesale electric rate cases. First, I will recommend changing the regulations to permit the parties to seek rehearing of judges *intial* decisions in order to improve the accuracy, clarity and general quality of those decisions. This proposal is intended to make the second, more significant step more feasible. The second proposal is that the Commission affirm initial decisions summarily much more often than it now does.[1]

The report noted several benefits that could be realized from such a rule. First, a presiding officer would have an opportunity to correct any errors in an initial decision which are pointed out by the parties. Under the present regulations, a presiding officer does not have this opportunity. Second, a presiding officer could clarify or possibly eliminate any areas in the initial decision which lack clarity or are not well-founded on the hearing record. Finally, a presiding officer would be able to change his or her mind if compelling arguments to do so were advanced in a motion for reconsideration. These factors would help to ensure that initial decisions were as well-considered as possible.

As noted in the Congressional report, the changes established by this rule should allow the Commission to place greater reliance on initial decisions in the more routine electric rate cases. The Commission can, therefore, devote its resources and energies to ratemaking policy questions of general significance.

III. Mechanics of the Rule

This final rule adds a new Rule 717, 18 CFR 385.717, to the Rules of Practice and Procedure. The Commission or the Chief Administrative Law Judge (ALJ) will designate which electric rate cases will be subject to the reconsideration procedures in Rule 717. Rule 717 provides that participants in designated cases may seek, within 30 days after issuance of an initial decision, reconsideration of the initial decision before filing exceptions with the Commission. The rule provides for replies to a motion for reconsideration to be submitted within 20 days after the last date for filing a motion for reconsideration. The presiding officer will be required to rule upon the motion for reconsideration within 30 days after the last pleading is filed, unless the Chief ALJ specifically authorizes an extension of time due to exceptional circumstances. It is expected that such extensions will be infrequent.

Under Rule 717, if a participant is still not satisfied with the ALJ's revised initial decision, he has 20 days from the date the ALJ issues a revised initial decision to file a brief on exceptions. A participant has 10 days from the last date for filing a brief or exceptions to file a brief opposing exceptions. Further, a participant should not include in its brief on exceptions any matters not previously raised in its motion for reconsideration or in its reply to such a motion except where the revised initial decision contains new findings.

IV. Comment Summary and Analysis

A. Time and Expense Involved

A number of commenters claimed that the rule will both lengthen the decisional process and increase the costs of a hearings.

In his *Report to Congress*, Chairman Curtis explained:

> A proposal to shorten electric rate cases by *adding* yet another procedural step to the multiplicity of steps that we already have sounds bizarre on its face. But that new step will make substantial net savings in time if it improves the quality of the initial decisions and thus enables the Commission to dispense with an opinion of its own in a statistically significant number of cases.[2]

The Commission believes that any added time and expense resulting from this rule will be outweighed by the reduction in the number of cases that will require extensive treatment by the Commission. In effect, the revised initial decision should be able to withstand appellate review. The reduction in time and expense resulting from this new procedure will lead to an overall savings for the Commission, the parties, and the ratepaying public. Furthermore, while the time and expense required to litigate a designated case may increase at the reconsideration stage, this will occur only if a participant wants to challenge the initial decision by way of filing exceptions to the Commission.

One commenter contended that the motions for reconsideration would impose an additional burden on the Administrative Law Judges (ALJs). The commenter suggested that because the burden would be so great the ALJs would not be able to act promptly on reconsideration, thus adding additional delay to the decisional process.

The Commission is committed to taking all feasible steps to reduce delay in processing electric rate cases. This rule is part of that commitment. The ultimate goal is to provide a workable framework for resolving rate cases within one year from the time the case is set for hearing. The rule explains that the ALJ will issue a decision within 30 days from the last day allowed for filing replies to the motion for reconsideration unless the Chief ALJ authorizes an exception.

The Commission expects there will be few exceptions to this 30-day time limit and thus that the delays anticipated by the commenter will not materialize.

B. Time Periods for Briefs

Under the NOPR the participant had 20 days from the date of issuance of an initial decision to prepare a motion for reconsideration. A respondent had 10 days to prepare a reply to a filed motion. A number of commenters argued that these time periods were to short. Furthermore, some commenters contrasted these time limits with the 30- and 20-day time limits given to parties for preparing briefs on exceptions and replies thereto, respectively.

The Commission is persuaded by the commenters that more time will be needed on reconsideration. The purpose of the motion for reconsideration is to give the ALJ a chance to correct any mistakes that may have been made, to address any issues that were not sufficiently discussed in the initial decision, and to revise the decision when convinced to do so. Ultimately,

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[1] Curtis, *Report to Congress—Decisional Delay in Wholesale Electric Rate Increase Cases: Causes, Consequences and Possible Remedies*, 73–74 (1980) (hereinafter, *Report to Congress*).

[2] *Report to Congress* at 74.

this should enable the Commission to summarily affirm the ALJ's decisions. For the parties to adequately present all of their arguments on the initial decision, a full brief will likely be necessary. Thus, it makes sense to give the parties the longer time periods at the reconsideration step. In contrast, should the parties not be satisfied with the ALJ's revised initial decision, the parties will need less time to prepare a brief on or opposing exceptions because the arguments for and against what the ALJ has done will have been thought out on reconsideration. Therefore, participants subject to new Rule 717 will have 20 days from the date the ALJ issues or declines to issue a revised initial decision to file briefs on exceptions. Participants will have 10 days from the last date for filing a brief on exceptions to file briefs opposing exceptions.

C. Restrictive Effects

The NOPR provided that a participant who filed a motion for reconsideration or a reply thereto could not include in its exceptions to the Commission any matter of fact, law, or policy that was omitted from that participant's motion for reconsideration or reply thereto. Several commenters contended that this provision was too restrictive.

The purpose of this provision was to encourage parties to raise their objections to the ALJ's initial decision as early as possible. This way, the Commission could review a decision that had been thoroughly analyzed by the ALJ, rather than hear new objections that had not been raised before the ALJ. This would allow the Commission to act more promptly. While the provision is still included, it has been modified. Instead of the phrase any matter of "fact, law, or policy", the final rule contains the word "issue". In other words, the parties are expected to raise all issues to the ALJ that they would want to preserve for exceptions. This modification should remove the restrictive effect the parties anticipated.

One of the commenters contended that this provision was in violation of the Federal Power Act (FPA) because that Act says that to preserve arguments for appeal to the courts, a party must raise the argument to the Commission at the rehearing stage. As noted above, the Commission has modified its rule to ensure that it is not in any way in violation of the FPA as interpreted by *Villages of Chatham* v. *FERC*, 662 F.2d 23 (D.C. Cir. 1981). A party is still expected to raise all issues in its motion for reconsideration that it wants to preserve for exceptions. Nothing in the FPA or in *Villages of Chatham* specifically prohibits the Commission from designing its internal procedures to streamline case processing wherever possible, consistent with accepted due process concepts. It is important to remember that a party is not foreclosed from raising any issue on exceptions to the Commission so long as the procedures are followed. Further, nothing in this rule precludes a party from raising a new argument on rehearing in keeping with the decision in *Villages of Chatham*.

Finally, one commenter claimed the rule should allow new arguments to be raised in a participant's exceptions to the Commission if the revised initial decision contains any new findings. The Commission believes this argument to be sound, and is modifying § 385.717(e)(2). To the extent that the revised initial decision contains new findings, the parties may raise new issues on exceptions to the Commission.

D. Standards for Applicability of Reconsideration Procedures

The final rule provides for a screening process by which the Commission or the Chief ALJ will determine at the outset of a proceeding whether the case is likely to involve only routine issues or whether it will involve major policy issues or other major issues such as anti-competitive practice or price squeeze. If a case or any phase thereof is determined to be routine, the case or phase will be designated as subject to reconsideration procedures. If the case or phase contains major policy issues or issues such as anti-competitive practice, or price squeeze, it will not be subject to this additional step. In addition to those cases that are designated subject to reconsideration at the time the case is set for hearing, the Chief ALJ will also review those electric rate cases that are currently pending before the ALJs to determine whether they are routine and should be subject to reconsideration. This will enable the Commission to have as many cases as possible by which to judge the efficacy of this rule before the sunset date two years hence.

A number of commenters claimed that the designation process was too vague, and that at the early stages of a case it was difficult to ascertain the real issues. Several commenters suggested that the designation should occur after an initial decision is made. Other commenters preferred the motion for reconsideration be a permissive step.

The Commission strongly believes that to achieve its goal of summarily adopting initial decisions, the motion for reconsideration must be a mandatory step for those cases designated as "routine." As for which cases will be designated, the Commission believes that it can determine at the outset of a case whether or not a case or a phase of a case will be routine. Furthermore, it will benefit both the parties and the ALJ to know beforehand whether the case is subject to a motion for reconsideration, as this will enable the parties to more effectively plan their time and resources. Finally, by having only the Commission or the Chief ALJ responsible for making these designations, consistency in the designation can be realized.

Finally, one commenter suggested that all rate cases be required to proceed through a motion for reconsideration before going to the Commission so that all cases receive the benefit of the presiding officer's reconsideration. The Commission has decided that rate cases or phases of rate cases involving major policy issues or, for example, anti-competitive or price squeeze issues should not be subject to reconsideration procedures. Those cases or phases of cases are complex and necessarily take more time both at the hearing step as well as before the Commission. Furthermore, the Commission is likely to want to fully develop its findings and rational in its opinions in these types of cases. So, there is much less likelihood of summary affirmance by the Commission of an initial decision, and the underlying thrust of this rule would be inapplicable.

E. Reconsideration by the ALJs

A number of commenters argued that the ALJs would not change their opinions if they were given an opportunity to do so. The commenters also said that the parties would simply raise every issue they might possibly want to raise to the Commission in their motion for reconsideration.

To prejudge whether the ALJs will revise their initial decisions is inappropriate. This will be strictly a case-by-case matter about which generalizations are not convincing. However, the Commission believes that in the face of reasonably compelling arguments to do so, the ALJs will modify an initial decision just as any reasonable decisionmaker would do. The motion for reconsideration should highlight the main areas of contention in the case, allow the ALJ to reevaluate those issues.

The Commission also views this additional step as a means to achieving its goal of issuing final Commission opinions in shorter time periods. The new procedure will enable the Commission to review an ALJ's opinion with much more certitude that all the issues have been fully considered by the ALJ.

IV. Regulatory Flexibility Act Certification

When an agency promulgates a final rule under section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, after being required to publish a notice of proposed rulemaking, either a final regulatory flexibility analysis or a negative certification may be appropriate under the Regulatory Flexibility Act of 1980. One commenter contended, without much explanation, that the Commission's initial regulatory flexibility certification was inadequate.

In this preamble, the Commission has already stated the need for this rule, summarized the issues raised by the public comments and the Commission's responses to those comments, and described variations of the rule that were suggested. In addition, the Commission has indicated its objectives and the legal basis for this rulemaking. As discussed, the rule establishes a new procedure to shorten the hearing process in designated rate cases involving electric utilities, their customers, and other interested parties. The rule adds only minor procedural requirements in designated electric rate cases in order to reduce the overall time and expense incurred by both the parties and the Commission. The Commission expects these savings to be realized by all entities, large and small, that participate in the designated electric rate cases. Ultimately, the ratepaying public will receive the benefit of these savings.

This rule affects electric utilities and other entities. There are approximately 217 public utilities in the United States. The Small Business Administration's (SBA) regulations do not establish size standards for electric utilities.[3] Most utilities, however, are large businesses. Only about 20 percent of these utilities could possibly be classified as small entities.[4] Thus, while this rule may have some degree of economic impact on a minor number of small electric utilities, there is no reason to expect that this impact will be significant for a substantial number of those small utilities.

As explained in the NOPR, the rule does not affect the ability of any participant to receive an initial decision. The rule affects the course of a designated case only if a participant elects to use the Commission's review process to challenge an initial decision. Thus, any potential economic impact of this rule is not automatically incurred, but is tied to a participant's choice to appeal an initial decision. Also, the rule will apply only where prescreening reveals that the case should be designated as subject to the rule. This will reduce the number of entities within the scope of the rule.

For the foregoing reasons, the Commission finds that this rule will not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act Statement, Effective Date and Sunset Provision

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520 (1982), and the Office of Management and Budget's (OMB) regulations, 5 CFR 1320.12 (1983), require that OMB approve certain information collection requirements imposed by agency rule. This final rule does not include information collection requirements within the meaning of the PRA and OMB's regulations, and therefore is not subject to OMB review or approval.

In accordance with section 553(d) of the Administrative Procedure Act, 5 U.S.C 553(d) (1982), the final rule set forth below will become effective June 18, 1984. The rule will be effective for two years. At the end of the two years, the rule will automatically expire unless the Commission takes affirmative action to continue its effectiveness. This two-year sunset provision is intended to enable the Commission to review the efficacy of this rule after a reasonable time to ensure that the objectives of this rulemaking are being met satisfactorily.

List of Subjects in 18 CFR Part 385

Administrative practice and procedure.

In consideration of the foregoing, the Commission is amending Part 385, Subchapter X, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 385—[AMENDED]

1. The authority citation for Part 385 continues to read as follows:

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Exec. Order No. 12009, 3 CFR 142 (1978); Federal Power Act, 16 U.S.C. 791–828c, as amended; Natural Gas Act, 15 U.S.C. 717–717z, as amended; Natural Gas Policy Act, 15 U.S.C. 3301–3432; Public Utilities Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645; Interstate Commerce Act, 49 U.S.C. 1, *et seq.*

2. In § 385.504, paragraph (a)(5) is revised, paragraph (b)(19) is redesignated as paragraph (b)(20), and a new paragraph (b)(19) is added to read as follows:

§ 385.504 Duties and powers of presiding officers (Rule 540).

* * * * *

(a) * * *

(5) The presiding officer will prepare and certify an initial decision or a revised initial decision, whichever is appropriate, to the Commission as provided in Subpart G of this part.

(b) * * *

(19) Rule on motions for reconsideration of an initial decision as provided in Rule 717;

* * * * *

3. In § 385.702, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 385.702 Definitions (Rule 702).

* * * * *

(b) "Revised initial decision" means any initial decision as revised by a presiding officer in accordance with Rule 717;

* * * * *

4. In § 385.708, paragraphs (b), (c), and (d) are revised to read as follows:

§ 385.708 Initial and revised initial decisions by presiding officers (Rule 708).

* * * * *

(b) *General rule.* (1) Except as otherwise ordered by the Commission or provided in paragraph (b)(2) of this section, the presiding officer will prepare a written initial decision and, if appropriate under Rule 717, a written revised initial decision.

(2)(i) If time and circumstances require, the presiding officer may issue an order stating that an oral initial or oral revised initial decision will be issued.

(ii) An oral decision is considered served upon all participants when the decision is issued orally on the record. Promptly after service of the oral decision, the presiding officer will prepare the oral initial decision contained in the transcript in the format of a written initial decision.

(3) Any initial decision or, if appropriate under Rule 717, any revised initial decision prepared under paragraph (b)(1) or (b)(2) of this section will be certified to the Commission by

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[3] 5 U.S.C. 601(3) *citing to* section 3 of the Small Business Act, 15 U.S.C. 632 (Supp. V 1981). Section 3 of the Small Business Act defines "small-business concern" as a business which is independently owned and operated and which is not dominant in its field or operation. *See also* SBA's Small Business Size Standards, 13 CFR Part 121 (1983).

[4] For this analysis, small entities are those classified as Class C or Class D utilities, that is, utilities with operating revenues of $25,000 or more per year, but less than $1,000,000. (See 18 CFR Part 104, Uniform System of Accounts Prescribed for Public Utilities and Licenses Subject to the Provisions of the Federal Power Act.)

the presiding officer with a copy of the record in the proceeding.

(4) Not later than 35 days after the certification of an initial or revised initial decision, as appropriate, under paragraph (b)(3) of this section, the presiding officer, after notifying the participants and receiving no objection from them, may make technical corrections to the initial or revised initial decision.

(c) *Initial and revised initial decision prepared and certified by presiding officer.* (1) The presiding officer who presides over the reception of evidence will prepare and certify the initial decision, if any, or, if appropriate, the revised initial decision unless the officer is unavailable or the Commission provides otherwise in accordance with 5 U.S.C. 557(b).

(2) If the presiding officer who presided over the reception of evidence becomes unavailable, the Chief Administrative Law Judge may issue an order designating another qualified presiding officer to prepare and certify the initial or revised initial decision.

(d) *Finality of initial and revised initial decision.* For purposes of requests for rehearing under Rule 713, an initial decision or, if appropriate under Rule 717, a revised initial decision becomes a final Commission decision 10 days after exceptions are due under Rule 711 unless:

(1) Exceptions are timely filed under Rule 711; or

(2) The Commission issues an order staying the effectiveness of the decision pending review under Rule 712.

5. In § 385.711, paragraph (a)(1)(i) is revised to read as follows:

§ 385.711 Exceptions and briefs on and opposing exceptions after initial or revised initial decision (Rule 711).

(a) *Exceptions.* (1)(i) In proceedings not subject to Rule 717, any participant may file with the Commission exceptions to the initial decision in a brief on exceptions not later than 30 days after service of the initial decision.

* * * * *

6. In § 385.712, paragraph (a) is revised to read as follows:

§ 385.712 Commission review of initial and revised initial decisions in the absence of exceptions (Rule 712).

(a) *General rule.* If no briefs on exceptions to an initial or revised initial decision are filed within the time established by rule or order under Rule 711, the Commission may, within 10 days after the expiration of such time, issue an order staying the effectiveness of the decision pending Commission review.

* * * * *

7. In § 385.713, paragraphs (a)(2) (i) and (iv) and (a)(3) are revised to read as follows:

§ 385.713 Request for rehearing (Rule 713).

(a) * * *

(2) * * *

(i) On exceptions taken by participants to an initial decision or, if appropriate under Rules 717 and 711, to a revised initial decision;

* * * * *

(iv) On review of an initial or revised initial decision without exceptions under Rule 712; and

* * * * *

(3) For the purposes of rehearing under this section, any initial decision under Rule 709 or any revised initial decision under Rule 717 is a final Commission decision after the time provided for Commission review under Rule 712, if there are no exceptions filed to the decision and no review of the decision is initiated under Rule 712.

* * * * *

8. In § 385.716, paragraph (c) is revised to read as follows:

§ 385.716 Reopening (Rule 716).

* * * * *

(c) *By action of the presiding officer or the Commission.* If the presiding officer or the Commission, as appropriate, has reason to believe that reopening of a proceeding is warranted by any changes in conditions of fact or of law or by the public interest, the record in the proceeding may be reopened by the presiding officer before the initial or revised initial decision is served or by the Commission after the initial decision or, if appropriate, the revised initial decision is served.

9. In § 385.2007, paragraph (c)(2) is revised to read as follows:

Subpart T—Formal Requirements for Filings in Proceedings Before the Commission

* * * * *

§ 385.2007 Time (Rule 2007).

* * * * *

(c) *Effective date of Commission rules or orders.* * * *

(2) Any initial or revised initial decision issued by a presiding officer is effective when the initial or revised initial decision is final under Rule 708(d).

10. Part 385 is amended by adding a new § 385.717 to read as follows:

§ 385.717 Reconsideration of initial decision (Rule 717).

(a) *Scope.* This section governs the filing, disposition, and effects of motions for reconsideration of initial decisions in wholesale electric rate cases designated according to this section.

(b) *Designation of proceedings subject to this section.*

(1) The Commission or the Chief Administrative Law Judge may designate any wholesale electric rate case, or phase thereof, to be subject to the procedures established in this section.

(2) Any designation of a proceeding, or phase thereof, as subject to the procedures established in this section will be included in either:

(i) The notice or order issued under Rule 502 initiating the hearing;

(ii) The Chief Administrative Law Judge's designation of a presiding officer for the hearing; or

(iii) An order issued by the Chief Administrative Law Judge in any case pending, at the time the rule becomes effective, before a presiding officer and prior to the rendering of an initial decision by the presiding officer in that case.

(c) *Filing of motions for reconsideration and replies.* Within 30 days after service of an initial decision, a participant may file with the presiding officer a motion for reconsideration of the initial decision. Any other participants may file a reply to the motion within 20 days after the last date for filing a motion for reconsideration. No other pleading may be filed with respect to the motion or any reply to the motion except by leave of the presiding officer.

(d) *Disposition of motion for reconsideration.* Unless otherwise authorized by the Chief Administrative Law Judge for exceptional circumstances, the presiding officer will issue a revised initial decision or a denial of the motion for reconsideration, in whole or in part, within 30 days from the last day allowed for filing replies to the motion for reconsideration. If a revised initial decision is issued, the presiding officer shall specifically indicate those portions of the original initial decisions, if any, which are to be treated as part of the revised initial decision.

(e) *Effect of motions for reconsideration.* (1) A participant shall file a motion for reconsideration of an initial decision or a reply to a motion for reconsideration in accordance with this section before filing exceptions to the initial or revised initial decision.

(2) A participant who files a motion for reconsideration or a reply to a motion for reconsideration of an initial decision in accordance with this section should not include in that participant's exceptions to the initial or revised initial decision, or any brief or reply brief thereon, any issue that was omitted from that participant's motion for reconsideration or reply to a motion for reconsideration except where the revised initial decision contains new findings.

(f) *Time limits.* (1) If a motion for reconsideration of the initial decision or a reply to that motion is filed under this section by a participant, that participant may file with the Commission exceptions to the revised initial decision or, if the motion for reconsideration is wholly denied, to the initial decision in a brief on exceptions not later than 20 days after service of the presiding officer's disposition of the motion for reconsideration.

(2) Subject to the restrictions in paragraph (e)(2) and not later than 10 days after the latest date for filing a brief on exceptions under paragraph (f)(1), any participant may file a brief opposing exceptions in response to a brief on exceptions.

(3) The time limits in Rule 711(a)(1) (i) and (ii) do not apply to participants subject to the procedures in this section.

(g) *Expiration date.* This rule will be in effect until May 21, 1986.

[FR Doc. 84-13525 Filed 5-18-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Sponsors of Approved Applications

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove the sponsor entry for Armour Pharmaceutical Co. The firm, no longer the sponsor of an approved new animal drug application (NADA), had not been previously removed from the list of sponsors of approved NADA's.

EFFECTIVE DATE: May 21, 1984.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Armour Pharmaceutical Co., P.O. Box 3113, Omaha, NE 68103, was sponsor of NADA 12-330 Kymar Aqueous (chymotrypsin injection) for dogs, cats, and horses, approval of which was withdrawn March 31, 1980. This was the only approved NADA held by Armour. Inadvertently, the entries in 21 CFR 510.600 were not removed when the approval was withdrawn. This document removes those entries.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Armour Pharmaceutical Co." and in paragraph (c)(2) by removing the entry for "000053."

Effective date. May 21, 1984.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: May 14, 1984.

William B. Bixler,

Associate Director for Surveillance and Compliance, Center for Veterinary Medicine.

[FR Doc. 84-13542 Filed 5-18-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 610

[Docket No. 83N-0235]

General Biological Products Standards; Equivalent Methods; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting an address in the final rule that amended the biologics regulations to allow manufacturers of any licensed biological product to use modified test methods or manufacturing processes that are found by the Director, Office of Biologics Research and Review, Center for Drugs and Biologics, to be equal or superior to the test methods or manufacturing processes specified in the regulations under 21 CFR Parts 610 through 680 (49 FR 15188; April 18, 1984).

EFFECTIVE DATE: May 18, 1984.

FOR FURTHER INFORMATION CONTACT: Michael Hooton, 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 FR Doc. 84-10298 appearing at page 15186 in the issue for Wednesday, April 18, 1984, the following correction is made on page 15187 in the center column:

§ 610.9 [Corrected]

In § 610.9 *Equivalent methods and processes*, paragraph (b) is corrected by changing "5600 Fishers Lane, Rockville, MD 20857" to read "8800 Rockville Pike, Bethesda, MD 20205."

Dated: May 14, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-13541 Filed 5-18-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 213, 220, 221, 234, 235, and 240

[Docket No. R-84-1015; FR-1623]

Single Family Mortgage Insurance Programs

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

ACTION: Final rule.

SUMMARY: This final rule makes the following programmatic and administrative changes in HUD's single family mortgage insurance programs: (1) Permits the insurance of mortgages covering a leasehold if the lease has a period of not less than 10 years to run beyond the maturity date of the mortgage; (2) authorizes insuring a mortgage on a property without clear title in communities with outstanding claims to ownership of land by an American Indian tribe if class litigation on the subject involving at least 50 defendants were filed before April 1, 1980; (3) removes the "remaining economic life" restriction on the

mortgage term; (4) permits the mortgagee to foreclose on a defaulted rehabilitation first lien loan under the same terms and conditions that apply to the basic insured mortgage loan; (5) permits a mortgage insured under the section 235 program to exceed the maximum mortgage limits by up to 10 percent if the increase is needed to make the dwelling accessible to, or usable for, a physically handicapped owner-occupant; and (6) eliminates a redundant requirement for an FHA or VA inspection contained in the regulations dealing with mortgage insurance in urban renewal and concentrated development areas.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C., 20410, (202) 755-6720 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 30, 1983 the Department published a proposed rule (48 FR 44847) to make programmatic and administrative changes in HUD's single family mortgage insurance programs. Those changes reflected miscellaneous amendments to the National Housing Act made by the Housing and Community Development Act of 1980.

No public comments were received on the proposed rule. Accordingly, this final rule, with the exception of minor editorial and stylistic changes, is identical to the rule as proposed.

Insurance of Mortgages Covering Leaseholds

Before enactment of the Housing and Community Development Act of 1980 (HCD Act of 1980), single family mortgages covering a leasehold could be insured under the National Housing Act only if the lease had a period of not less than 50 years to run from the date the of mortgage was executed. Section 306 of the HCD Act of 1980 authorizes insurance where the lease has a period of not less than 10 years to run beyond the maturity date of the mortgage. This change is incorporated in §§ 203.37 (basic home mortgage insurance), 213.525 (individual properties released from a cooperative project mortgage) and 234.65 (insurance of one-family condominium units).

Deletion of Remaining Economic Life as Underwriting Test

Section 333 of the HCD Act of 1980 deletes, from certain single family insuring authorities in the National Housing Act, references to the use of three-fourths of the "remaining economic life" as one of the underwriting criteria for determining the maximum term of an insurable mortgage. This final rule implements this provision by removing the term "remaining economic life" from 24 CFR 203.17 (basic home mortgage insurance), 220.101 (home mortgage insurance in urban renewal and concentrated development areas), 221.30 (home mortgage insurance for low and moderate income families), 221.65 (conversion to family unit ownership in low and moderate income housing projects), 234.25 (insurance of one-family condominium units), 235.22 (home ownership for lower-income families) and 240.16 (homeownership purchases of fee simple title). The Department, consistent with the direction of the conferees (see H.R. Rep. No. 1420, 96th Cong., 2d Sess. 136 (1980)) would continue to use "remaining economic life" as a factor in determining the value of the property.

In addition to deleting the reference to "remaining economic life," § 221.30 is amended to delete the express requirement for an FHA or VA inspection since inspection is a prerequisite to approval for mortgage insurance and § 221.30(b) (as revised by this rule) contains approval for mortgage insurance before construction as a condition for extending the mortgage maturity to 35 or 40 years.

Foreclosure of Loans Under Section 203(k)

Section 321 of the HCD Act of 1980 made a technical amendment to permit mortgagees to foreclose upon defaulted section 203(k) rehabilitation loans which are secured by a first mortgage, in the same manner as is authorized for foreclosures under the FHA's basic section 203(b) home insurance program. Under prior law, only HUD could foreclose on these loans. Procedures under prior law for the settlement of claims on section 203(k) loans secured by other than a first mortgage are not changed. The amendments to §§ 203.473, 203.474, 203.476 and 203.477 (insurance of rehabilitation loans) implement section 321.

Title Insurance Relief

Section 328 of the HCD Act of 1980 authorizes the Secretary, notwithstanding any other provision of Title II of the National Housing Act, to insure under section 203(b) (as modified by this special provision added as section 203(p)) a mortgage which meets both the requirements of this provision and such criteria as the Secretary may prescribe to further the provision's purpose. The authority may be used only in communities where the Secretary determines that:

(1) Temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, group or Nation;

(2) These ownership claims are reasonably likely to be settled, by court action or otherwise; and

(3) 50 or more individual homeowners were joined as parties defendant or were members of a defendant class prior to April 1, 1980, in litigation involving Indian claims to ownership of land in the community under the Articles of Confederation, the Trade and Intercourse Action of 1790 or any similar State or Federal law.

(4) The defect or potential defect in title is a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, group or Nation.

Insurance would be available without regard to the limitations in Title II of the National Housing Act relating to marketability of title, and without regard to any other statutory restriction which the Secretary determines to be contrary to the purpose of this authority, but only if the mortgagor is an owner-occupant of a home in a community specified above. These mortgages are obligations of the Special Risk Insurance Fund.

This new insurance authority is implemented by adding a new § 203.43g.

Special Section 235 Mortgage Limits for the Physically Handicapped

Section 206(a)(4) of the HCD Act of 1980 permits the Secretary to insure a mortgage under section 235 which involves a principal obligation which exceeds, by up to 10 percent, the maximum limits specified under section 235, if the mortgage relates to a dwelling unit to be occupied by a physically handicapped person and the Secretary determines that this action is necessary to reflect the cost of making the dwelling accessible to and usable by that person. This rule adds new §§ 235.32 (homeownership) and 235.331 (cooperative units) to implement section 206(a)(4).

Other Matters

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 address set forth above.

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 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, 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.

This rule was listed at 48 FR 47433 as H-44-81 in the Department's Semiannual Agenda of Regulations, published on October 17, 1983 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The following numbers identify the programs, as listed in the Catalog of Federal Domestic Assistance, affected by this regulation change: 14.117, Mortgage Insurance-Homes; 14.118, Mortgage Insurance-Homes for Certified Veterans; 14.108, Rehabilitation Mortgage Insurance; 14.132, Mortgage Insurance-Purchase of Sales-Type Cooperative Housing Units; 14.122, Mortgage Insurance-Homes in Urban Renewal Areas; 14.120, Mortgage Insurance-Homes for Low and Moderate Income Families; 14.166, Mortgage Insurance-Servicemen; 14.133, Mortgage Insurance-Purchase of Units in Condominiums; 14.105, Interest Reduction-Homes for Lower Income Families; and 14.130, Mortgage Insurance-Purchase by Homeowners of the Fee Simple Title from Lessors.

Information collection requirements contained in this regulation (§ 203.476) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2502-0051.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule makes changes which should be beneficial to all program participants including small entities.

List of Subjects

24 CFR Part 203

Home improvement, Loan programs-housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 220

Home improvement, Mortgage insurance, Urban renewal, Rental housing, Loan programs-housing and community development, Projects.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant program-housing and community development.

24 CFR Part 240

Mortgage insurance, Fee title purchase.

Accordingly, 24 CFR Parts 203, 213, 220, 221, 234, 235, and 240 are amended as follows:

PART 203—[AMENDED]

§ 203.17 [Amended]

1. In § 203.17, paragraph (e) is removed.

2. Section 203.37 is revised to read as follows:

§ 203.37 Nature of title to realty.

A mortgage, to be eligible for insurance, must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

3. In Part 203, a new § 203.43g is added to read as follows:

§ 203.43g Eligibility of mortgages in certain communities.

(a) A mortgage which meets the requirements of this subpart shall be eligible for insurance without regard to the limitation in this part relating to marketability of title under the following conditions:

(1) The mortgagor is an owner-occupant of the property.

(2) The defect or potential defect in title is a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, group or Nation.

(3) Fifty or more individual owners were joined as parties defendant or were members of a defendant class before April 1, 1980 in litigation involving claims to ownership of land in the community in which the property is located by an American Indian tribe, band, group or Nation pursuant to a dispute involving the Articles of Confederation, the Trade and Intercourse Act of 1790 or any similar State or Federal law.

(4) Such ownership claims are reasonably likely to be settled by court action or otherwise.

(5) Temporary adverse economic conditions exist throughout the community as a direct and primary result of such claims.

(b) Mortgages complying with the requirements of this subpart as modified by this section shall be the obligation of the Special Risk Insurance Fund.

4. Section 203.473 is revised to read as follows:

§ 203.473 Claim procedure.

(a) A claim for insurance benefits on a loan secured by a first mortgage shall be made, and insurance benefits shall be paid, as provided in §§ 203.350 through 203.404.

(b) A claim for insurance benefits on a loan secured by other than a first mortgage shall be made, and insurance benefits shall be paid, as provided in §§ 203.474 through 203.478. However, the lender may not, except with the approval of the Commissioner, proceed against the security and also make claim under the contract of insurance, but shall elect which method it desires to pursue.

5. Section 203.474 is revised to read as follows:

§ 203.474 Maximum claim period.

A claim for insurance benefits on a loan secured by other than a first mortgage shall be filed within one year from the date of default, or within such additional period of time as may be approved by the Commissioner.

6. In § 203.476 the introductory paragraph is revised and a new sentence is added to the end of the section, to read as follows:

§ 203.476 Claim application and items to be filed.

The claim for reimbursement on a loan secured by other than a first mortgage shall be made upon an application form prescribed by the Commissioner. The application shall be accompanied by:

* * * * *

(Approved by the Office of Management and Budget under OMB control number 2502–0051.)

7. In § 203.477, paragraph (c) is revised to read as follows:

§ 203.477 Certification by lender when loan assigned.

* * * * *

(c) The mortgage transaction did not involve a first mortgage and the mortgage is prior to all mechanics' and materialmen's liens filed of record, regardless of when such liens attach, and prior to all liens and encumbrances other than a first mortgage, or defects which may arise except such liens or other matters as may have been approved by the Commissioner.

* * * * *

PART 213—[AMENDED]

8. Section 213.525 is revised to read as follows:

§ 213.525 Nature of title to realty.

A mortgage, to be eligible for insurance, must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

PART 220—[AMENDED]

9. In § 220.101, paragraph (c) is revised to read as follows:

§ 220.101 Mortgage provisions.

* * * * *

(c) The loan shall have a maturity satisfactory to the Commissioner not less than five nor more than 20 years from the date of the beginning of amortization.

PART 221—[AMENDED]

10. Section 221.30 is revised to read as follows:

§ 221.30 Maturity of mortgage.

The mortgage shall provide for complete amortization not to exceed 30 years from the date of the beginning of amortization of the mortgage, except that such maturity may be 35 or 40 years in the following instances:

(a) In the case of a displaced family, if it is determined by the Commissioner that the mortgagor is not able to make the required payments under a mortgage having a shorter amortization period.

(b) In the case of any other mortgagor, if it is determined by the Commissioner that the mortgagor is an owner-occupant of the property and is not able to make the required payments under a mortgage having a shorter amortization period, and the dwelling was approved for mortgage insurance by the Commissioner before the beginning of construction, or approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs before such construction.

11. In § 221.65, paragraph (d)(3) is revised to read as follows:

§ 221.65 Eligibility requirements for low- and moderate-income purchaser of family unit in condominium.

* * * * *

(d) * * *

(3) It shall provide for complete amortization within 40 years from the beginning of amortization.

* * * * *

PART 234—[AMENDED]

12. In § 234.25, paragraph (c)(2) is revised to read as follows:

§ 234.25 Mortgage provisions.

* * * * *

(c) * * *

(2) Have a maturity satisfactory to the Commissioner of not more than 30 years from the date of the beginning of amortization, except that the term may be up to 35 years from the date of the beginning of amortization in either of the following instances:

* * * * *

13. Section 234.65 is revised to read as follows:

§ 234.65 Nature of title.

A mortgage, to be eligible for insurance, shall be on a fee interest in, or on a leasehold interest in, a one-family unit in a project including an undivided interest in the common areas and facilities, and such restricted common areas and facilities as may be designated. To be eligible, a leasehold interest shall be under a lease for not less than 99 years which is renewable, or under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

PART 235—[AMENDED]

14. In § 235.22, paragraph (d) is revised to read as follows:

§ 235.22 Mortgage provisions.

* * * * *

(d) *Maturity.* The mortgage shall provide for complete amortization not to exceed 30 years from the date of the beginning of amortization of the mortgage.

15. A new § 235.32 is added to read as follows:

§ 235.32 Increased maximum mortgage amount for physically handicapped persons.

If the mortgate relates to a dwelling to be occupied by a handicapped person as defined in § 235.5(c)(2), the dollar amount limitation under § 235.25 or § 235.30 may be increased in such amount as may be necessary to reflect the cost of making the dwelling accessible to and usable by such person, but not to exceed 10 percent of such limitation.

16. A new § 235.331 is added to read as follows:

§ 235.331 Increased maximum mortgage amount for physically handicapped persons.

If the mortgage relates to a dwelling unit to be occupied by a handicapped person as defined in § 235.5(c)(2), the otherwise applicable dollar amount limitation under § 235.330 may be increased in such amount as may be necessary to reflect the cost of making the dwelling unit accessible to and usable by such person, but not to exceed 10 percent of such limitation.

PART 240—[AMENDED]

17. In § 240.16, paragraph (c) is revised to read as follows:

§ 240.16 Mortgage provisions.

* * * * *

(c) *Maturity of mortgage.* The mortgage shall have a maturity satisfactory to the Commissioner but not less than five nor more than 20 years from the date of the beginning of amortization.

Authority: Sec. 211 of the National Housing Act (12 U.S.C. 1715b), Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Dated: May 9, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84–13524 Filed 5–18–84; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Parts 232 and 235

[Docket No. R-84-1172; FR-1995]

Mortgage Insurance; Changes in Interest Rates

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