

In the event that Seller [TLC] is unable to deliver 100 percent of the gas contracted for by Buyer [TLC customer] during any period exceeding one day, Buyer shall reimburse Seller not only for volumes delivered, but also for contract volumes not delivered, such that Seller will recover on the nondelivered volumes an apportioned share of Seller's nonequity-related fixed expenses incurred during such period, limited to the following:

- (a) Operating and maintenance expenses;
- (b) Taxes payable;
- (c) Interest expense based on that portion of Seller's then existing debt which was incurred for the construction of the LNG and related facilities;
- (d) The requirements for repayment of such debt; and
- (e) Amounts, if any, Seller shall be obligated to pay suppliers arising from Buyers' failure to accept deliveries from Seller.⁶⁵

58 F.P.C. at 740. (Emphasis added.)

In TLC's case the Rule would actually remove "fixed" costs from TLC's minimum bill. Removal of fixed cost recovery is something the Commission did not intend in promulgating the Rule. See Order No. 380 at page 55.

Accordingly, the Commission concludes that application of the Rule to TLC's minimum bill would be inconsistent with the intent of Order No. 380. Therefore the Commission will waive the provisions of § 154.111 as they would otherwise affect TLC's minimum bill.⁶⁶ In all other respects TLC's petition for rehearing is denied.

VII. Motions for Stay

As discussed *supra*, application of the Rule to minimum take provisions will be stayed by this Order.

A number of petitioners also sought a stay of the remaining aspects of Order No. 380. It is normally the Commission's practice simply to deny stay requests on the basis of "the need for definitiveness and finality in administrative proceedings." *Arkansas Louisiana Gas Co.* 23 FERC ¶ 61,324 at 61,714 (1983). In this case, however, due to the importance the Commission attaches to Order No. 380 and the number of stay petitions filed, the Commission believes

⁶⁵ On rehearing, (e) was revised to read: "Amounts, if any, Seller shall be obligated to pay for LNG supplies and for ocean transportation under the LNG supply and shipping contract." 58 F.P.C. at 2944. (Emphasis added.)

⁶⁶ TLC's certificate of public convenience and necessity for the project, the provisions of its tariff, and the prudence of the LNG purchases are under review and consideration in a number of Commission proceedings. See *Trunkline LNG Company*, Docket No. RP81-85-000, 16 FERC ¶ 61,102; *Trunkline LNG Company*, Docket No. CP74-138-003, 22 FERC ¶ 61,245; *Trunkline LNG Company*, Docket No. CP74-138-010, 24 FERC ¶ 61,077; *Trunkline Gas Company*, Docket No. TAB3-1-30-002, 26 FERC ¶ 61,363. Nothing said here shall affect in any way the decisions made in those other cases.

it is appropriate here to discuss briefly the substantive reasons that stay is denied. Accordingly, the Commission will consider the factors that a court would weigh in deciding whether to stay agency action pending the outcome of an appeal. These factors are: (1) Has the petitioner made a substantial case on the merits? (2) Has the petitioner shown that it will be irreparably injured without a stay? (3) Would a stay injure other parties to the proceeding? (4) Where does the public interest lie? *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).

The petitioners' merits arguments are several: that the Commission is without authority to act in this fashion by rulemaking rather than case-by-case adjudication; that the Commission has unlawfully altered a provision of a certificate of public convenience and necessity outside a section 7 hearing; that the Commission's factual basis is not supported by substantial evidence; that the Commission is acting arbitrarily and capriciously as to individual cases. Order No. 380 and the instant Order deal adequately with the merits of these contentions. For reasons already stated there, the Commission finds petitioners' arguments do not warrant a stay.

As to irreparable injury, the Commission notes that a number of pipelines have been operating for years without minimum commodity bills. As for pipelines that would be affected by the Rule, the Commission emphasizes that Order No. 380 does not alter pipelines' recovery of their fixed costs. It is true, however, that those pipelines selling high priced supplies may lose some sales as purchasers seek more economic supplies. Thus enhanced competition could hurt less competitive sellers.

Some pipelines allege injury in that they will incur take-or-pay payments with producers if their sales decrease. But as Order 380 and the instant Order explain, pipelines do not incur these costs immediately, and they have many options as to how to handle them if actually incurred. (As one option, pipelines can seek to recover such costs by filing a rate case with the Commission.) Thus pipelines will not be irreparably injured by Order No. 380.

In any event, a stay would leave in place tariff provisions the Commission has found unjust and unreasonable because they (1) permit potential collection of "costs" not incurred and (2) compel customers to purchase high-priced gas even though lower-price gas may be available from other sources. Thus a stay would simply perpetuate the unjust, unreasonable, and

anticompetitive results of existing minimum commodity bills.

Avoiding any potential injury to certain pipelines would necessarily be at the expense of the customers who are now restrained by existing minimum bills from switching to lower priced supplies. But more importantly, a stay would be at the expense of the consuming public. As the Commission explained, existing minimum commodity bills create artificial demand for high-priced gas, resulting in inaccurate signals upstream to producers. They also artificially protect pipelines from a measure of competition. The sooner these artificial impacts on the marketplace are removed, the sooner competition will begin to have its market-ordering impact on natural gas prices. By contrast, a stay will continue to force consumers to purchase gas at artificially propped-up prices.

Accordingly, it is clear that a stay would injure other parties and would not be in the public interest. Upon due consideration, then, the Commission hereby denies stay of Order No. 380.

VIII. Late-Filed Pleading

On July 20, 1984, Distrigas Corporation and Distrigas of Massachusetts Corporation filed for Reconsideration and Stay of Order No. 380, or, in the alternative, for Waiver. Given the extreme lateness of this pleading, the Commission declines to consider its merits in the context of this order. It will be redocketed and treated as a motion for waiver; it is otherwise denied.

IX. The Commission Orders

1. Order No. 380 is clarified to stipulate that it does not apply to the stream of revenue approved by the Commission in authorizing the ANGTA prebuild.

2. Order No. 380 is stayed with respect to minimum physical take provisions in pipeline rate schedules or tariffs until November 1, 1984. All other requests for stay or for oral argument are denied.

3. Section 154.111 of the Commission's regulations is waived, to the extent set forth in the body of this Order, with respect to Trunkline LNG Company.

4. All other petitions for rehearing are denied for the reasons set forth in the body of this Order.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 84-20718 Filed 8-3-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Farmland Industries, Inc. The NADA provides for manufacture of a 10-gram-per-pound tylosin premix used to make complete swine feeds.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Farmland Industries, Inc., Kansas City, MO 64116, is sponsor of NADA 46-415 which provides for use of either a 100-gram-per-pound tylosin (tylosin phosphate) premix or granulated tylosin concentrate to make a 10-gram-per-pound premix. The resulting premix is intended for use in making complete swine feeds.

NADA 46-415 was originally approved by letter dated March 1, 1971. At that time approvals were not codified by publication in the *Federal Register*. Accordingly, FDA is amending the regulations now to codify Farmland Industries' approved NADA. This action, codification of previously approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Because the NADA was approved before July 1, 1975, the sponsor was not required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with § 514.11(e)(2)(i).

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) 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 5.83), Part 558 is amended in § 558.625 by adding new paragraph (b)(83) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

(b) * * *
 (83) To 021876: 10 grams per pound, paragraph (F)(1)(vi)(a) of this section.

Effective date. August 6, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 30, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-20657 Filed 8-3-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR PART 558

New Animal Drugs For Use in Animal Feeds; Salinomycin and Bacitracin Methyle Disalicylate

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins, Co., providing for safe and effective use of a complete broiler feed manufactured with separately approved salinomycin and bacitracin methylene disalicylate premixes. The feed is used for the prevention of coccidiosis and for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: August 6, 1984.

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

SUPPLEMENTARY INFORMATION: A. H. Robins, Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, filed NADA 135-746 providing for use of Bio-Cox® (salinomycin) premixes containing 30 grams of salinomycin per pound and BMD® (bacitracin methylene disalicylate) premixes

containing 25, 40, and 50 grams of bacitracin activity per pound to make complete broiler feeds containing salinomycin at 40 to 60 grams per ton in combination with bacitracin methylene disalicylate at 4 to 30 grams per ton. The feeds are used for prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*, for increased rate of weight gain, and for improved feed efficiency. The NADA is approved and the regulations are amended accordingly. The basis of approval is discussed in the freedom of information summary.

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

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. (21 U.S.C. 360b(i))) 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 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.76 by adding new paragraph (e)(3)(x) to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

(e) * * *
 (3) * * *
 (x) Salinomycin as in § 558.550.

2. In § 558.550 by adding new paragraph (c)(1)(iii) to read as follows:

§ 558.550 Salinomycin.

(c) * * *
 (1) * * *

(iii)(a) *Amount per ton.* Salinomycin 40 to 60 grams and bacitracin methylene disalicylate 4 to 30 grams.

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

(c) *Limitation.* Feed continuously as sole ration. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or horses. Bacitracin methylene disalicylate as provided by No. 046573 in § 510.600(c) of this chapter.

Effective date, August 6, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: July 27, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

(FR Doc. 84-20656 Filed 8-3-84; 8:45 am)

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use In Animal Feeds; Erythromycin Thiocyanate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Hoffmann-LaRoche, Inc. The NADA provides for manufacturing several intermediate premixes that contain erythromycin. The premixes are used to make finished feed for chickens and turkeys.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Hoffmann-LaRoche, Inc., Nutley, NJ 07110, is sponsor of NADA 42-798 which provides for manufacturing intermediate premixes containing 3.7, 9.25, or 18.5 grams of erythromycin per pound of premix. The premixes are used to make finished feeds for chickens and turkeys. The feeds are indicated for growth promotion and improved feed efficiency or as an aid in prevention of chronic respiratory disease during periods of stress.

NADA 42-798 was originally approved by letter dated January 28,

1970. At that time approvals were not codified by publication in the Federal Register. Accordingly, FDA is now amending the regulations to codify Hoffmann-LaRoche's approved NADA. This action, codification of a previously approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Because the NADA was approved before July 1, 1975, the sponsor was not required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with § 514.11(e)(2)(i).

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) 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 5.83), Part 558 is amended in § 558.248 in paragraph (e)(1), in the table, under "Sponsor," by adding drug labeler code 000004 at items (i), (ii), and (v), and by revising paragraph (a) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.248 Erythromycin thiocyanate.

(a) *Approvals.* Premix levels of erythromycin granted to firms as sponsor(s) and identified by drug labeler codes in § 510.600(c) of this chapter for the specific usage indicated in paragraph (e) of this section:

- (1) To 050604: 2.2 percent as in paragraph (e); 5 and 10 percent as in paragraph (e)(1) (i) and (ii).
- (2) To 000004: 3.7 grams per pound as in paragraph (e)(1) (i) and (ii); 9.25 grams per pound as in paragraph (e)(1)(v) item 3; 18.5 grams per pound as in paragraph (e)(1)(v) item 1.

Effective date, August 6, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 30, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

(FR Doc. 84-20655 Filed 8-3-84; 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 880, 881, 883, 884, and 886

[Docket No. R-84-1031; FR-1677]

Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation

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

ACTION: Final rule.

SUMMARY: The Department is amending regulations governing the Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation. These amendments require that each Housing Assistance Payments Contract provide that the owner will notify families at least 90 days before the expiration of the Contract of any rent increase which may occur as a result of its expiration. These amendments bring the Department's regulations into conformity with section 8(c)(8) of the U.S. Housing Act of 1937, as added by section 326(a) of the Housing and Community Development Amendments of 1981. This rule also applies to existing housing assisted under the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (Part 886, Subpart C) and the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (Part 886, Subpart A).

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Room 6182, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 426-3944; or Horace J. Sincore, Chief, State Agency Branch, Management Operations Division, Office of Multifamily Housing Management, Room 6178, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5654. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The purpose of the Section 8 Program is to assist lower income families in obtaining decent, safe and sanitary rental housing through the use of housing assistance payments. The housing assistance payments reduce the tenant contribution to rent for eligible lower income families leasing assisted units. Monthly housing assistance payments are made directly to the project owner under the terms of a Housing Assistance Payments Contract (HAP Contract).

Section 326(a) of the Housing and Community Development Amendments of 1981 (the "1981 Act") added paragraph (8) to section 8(c) of the U.S. Housing Act of 1937. Section 8(c)(8) requires that each Contract shall provide that the owner will notify families, at least 90 days before the expiration of the Contract, of any rent increase which may occur as a result of the Contract's expiration. On March 25, 1983, the Department published in the *Federal Register* (48 FR 12554) a Notice of Proposed Rulemaking to incorporate this statutory change. This rule adopts as final the proposed rule.

Except as noted below, these changes apply only to the New Construction and Substantial Rehabilitation Programs. These Programs are: New Construction (Part 880); Substantial Rehabilitation (Part 881); State Housing Agencies (Part 883) (insofar as the State Agency program involves new construction and substantial rehabilitation); the New Construction Set-Aside for section 515 Rural Rental Housing Projects (Part 884); and the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (Part 886, Subpart C) (insofar as it involves substantial rehabilitation). In addition to this rule, the Department is also preparing a regulation amending Part 885 which, among other matters, would incorporate this amendment and other statutory changes made by the 1981 Act to the Loans for Housing for the Elderly or Handicapped Program.

The Department also is extending the requirements of section 326(a) to existing housing under the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (24 CFR Part 886, Subpart C) and the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (24 CFR Part 886, Subpart A). Like the New Construction and Substantial Rehabilitation Programs, the subsidy for housing under these Programs is "project-based," with assisted families losing their subsidy if

the owner terminates the Contract. Thus, the notice required by section 326(a) would be as important to recipients under these Programs as under the New Construction and Substantial Rehabilitation Programs. The rule does not extend to the Section 8 Existing Housing (Certificate and Moderate Rehabilitation) Programs under Part 882, since an owner's decision to discontinue participation in those Programs does not necessarily result in loss of the subsidy to the family.

Consistent with section 371(b) of the 1981 Act, all Section 8 owners of new or substantially rehabilitated projects who executed HAP Contracts under an Agreement to Enter into HAP Contract executed on or after October 1, 1981 are subject to this statutory requirement, notwithstanding the fact that their Contracts may not contain such an express provision, since section 326(a) constituted law in effect at the time the Agreements were executed. This rule does not affect the obligations of a Section 8 project owner who entered into a HAP Contract under an Agreement executed before October 1, 1981, unless the Contract is renewed or amended on or after the effective date of this rule. The rule applies only to those Section 8 project owners of existing housing receiving assistance under Subpart A or C of Part 886 who execute Contracts on or after the effective date of the rule, since application of the rule to such owners is not mandated by section 326(a) of the 1981 Act.

This rule requires project owners to notify each assisted family, at least 90 days before the end of the HAP Contract term, of any increase in the amount the family would be required to pay as rent which may occur as a result of expiration of the Contract. If the Contract is to be renewed with a reduction of the number of units covered, the notice must be given to each family who will no longer receive assistance. The manner of providing notice is specified in the rule. In a change to the proposed rule, the owner is also required to provide HUD with a certification that all families have been notified in accordance with this rule. An example of the text of the notice would be required to be attached to the certification.

With the loss of Section 8 assistance, families choosing to remain may be required to make higher payments, even without an actual increase in the rent charged for a unit by an owner. In order to assure that the families receive adequate notice of this effect, this rule requires that the notice advise them that, after the expiration date of the

assistance, formerly assisted families choosing to remain will be required to bear the entire cost of the rent and that the owner will be free (unless the project is otherwise subject to rent regulation by HUD) to alter the rents without HUD approval, but subject to any applicable requirements or restrictions under the lease or State or local law. The notice must also be required to set forth the actual (if known) or the estimated rent to be charged following the expiration of the HAP Contract, the difference between such rent and the Total Tenant Payment toward rent under the Contract, and the date on which the Contract will expire.

Comments

The Department received two comments in response to its notice of proposed rulemaking.

One commenter urged that the notice to families of a rent increase that results from a HAP Contract expiration be made a 30-day notice instead of a 90-day notice, and that the notice include a list of potential relocation alternatives. The commenter noted that 30 days is the normal notice period under most State laws for increasing rents.

The Department cannot reduce the 90-day notice period, since section 8(c)(8) of the U.S. Housing Act of 1937 specifically requires at least 90 days' notice. Since assisted families must begin paying the full unsubsidized rent when a HAP Contract expires, it is likely that most assisted families will have to relocate when the subsidy ceases. Therefore, even if not required by statute, it would be reasonable to provide a longer notice period than would be required for less substantial rent increases.

The Department also believes that it is unreasonable to impose an obligation on an owner to obtain information concerning the availability of other housing in the market area. A 90-day notice period should provide families ample opportunity to utilize resources present in the community which provide assistance in locating affordable housing.

The other commenter contended that the 90-day notice requirement would be unduly burdensome. It stated that this requirement would lengthen the family re-certification process to 150 days. This commenter erroneously assumed that the 90-day notice applied to changes in the Total Tenant Payment resulting from a reexamination of family income and composition. The 90-day notice applies only to increases in the amount of rent the family is required to pay which occur because the HAP Contract has

expired. Upon expiration, without renewal, of the HAP Contract, the owner would no longer have an obligation to reexamine family income and composition.

The Department also received two internal comments while clearing the final rule for publication, and has made minor modifications in the rule to reflect those comments.

In order to make notice requirements in HUD programs more uniform, §§ 880.508, 881.508, 883.608, 884.108a, 886.111a and 888.311a have been modified to provide that written notice must be given the family at the project address by first class mail, in addition to serving the notice on an adult answering the door at the leased unit or placing the notice under or through the door or affixing it to the door as was provided in the proposed regulation. This modification will make the method of giving notice in accordance with this rule identical to that contained in 24 CFR Part 247 (formerly Part 450), which applies to certain subsidized and HUD-owned projects.

Additionally, in order to assist the Department in monitoring compliance with the notice requirements of the 1981 Act, §§ 880.508, 881.508, 883.608, 884.108a, 886.111a and 888.311a have been modified to require an owner to certify to HUD that all families have been notified as required, and to attach an example of the text of the notice when the certification is forwarded to HUD.

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 is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

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 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 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 Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule only requires a one-time notice to a tenant at the termination of a HAP contract.

This rule was listed as item H-135-82 at 49 FR 15931, in the Department's Semiannual Agenda of Regulations published on April 19, 1984 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.

List of Subjects

24 CFR Parts 880 and 881

Grant programs—Housing and community development, Housing assistance payments, Lower income housing.

24 CFR Part 883

Grant programs—Housing and community development, Housing assistance payments, New construction and substantial rehabilitation.

24 CFR Part 884

Grant programs—Housing and community development, Housing assistance payments, Rural areas, Lower income housing.

24 CFR Part 886

Grant programs—Housing and community development, Housing assistance payments, Lower income housing.

Accordingly, the Department amends 24 CFR Parts 880, 881, 883, 884 and 886 as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

1. In Subpart E of Part 880, a new § 880.508 is added, to read as follows:

§ 880.508 Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be

accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address; and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section applies to all Contracts entered into pursuant to an Agreement executed on or after October 1, 1981, or entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after October 1, 1984.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

2. In Subpart E of Part 881, a new § 881.508 is added, to read as follows:

§ 881.508 Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who

will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address, and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section applies to all Contracts entered into pursuant to an Agreement executed on or after October 1, 1981, or entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after October 1, 1984.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

3. In Subpart F of Part 883, a new § 883.608 is added, to read as follows:

§ 883.608 Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result

of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address, and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section applies to all Contracts entered into pursuant to an Agreement executed on or after October 1, 1981, or entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after October 1, 1984.

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

4. In Subpart A of Part 884, a new § 884.108a is added, to read as follows:

§ 884.108a Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address, and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section applies to all Contracts entered into pursuant to an Agreement executed on or after October 1, 1981, or entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after October 1, 1984.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

5. In Subpart A of Part 886, a new § 886.111a is added, to read as follows:

§ 886.111a Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address, and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section applies to all Contracts executed, renewed or amended on or after October 1, 1984.

6. In Subpart C of Part 886, a new § 886.311a is added, to read as follows:

§ 886.311a Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted family, at least 90 days before the end of the Contract term, of any increase in the amount the family will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each family who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address, and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required notices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the owner mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) The notice shall advise each affected family that, after the expiration date of the Contract, the family will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state: (1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract; (2) the difference between the rent and the Total Tenant Payment toward rent under the Contract; and (3) the date the Contract will expire.

(d) The owner shall give HUD a certification that families have been notified in accordance with this section with an example of the text of the notice attached.

(e) This section shall apply to (1) Contracts involving Substantial Rehabilitation entered into pursuant to Agreements executed on or after

October 1, 1981, or Contracts involving Substantial Rehabilitation entered into pursuant to Agreements executed before October 1, 1981, but renewed or amended on or after October 1, 1984 and (2) all other Contracts executed, renewed or amended on or after October 1, 1984.

Authority: Sec. 8(c), United States Housing Act of 1937 (42 U.S.C. 1437(c)); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: July 30, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 84-20697 Filed 8-3-84; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 886

[Docket No. R-84-1168; FR-1984]

Section 8 Housing Assistance Payments Program—Special Allocations

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

ACTION: Final rule.

SUMMARY: On December 6, 1979 (44 FR 70362) the Department published revisions to 24 CFR Part 886 governing the Section 8 housing assistance program for the disposition of HUD-owned projects. Since all sales pending under Subpart B of this part have closed and since all sales formerly governed by this subpart are now governed by Subpart C, this final rule removes Subpart B from the Code of Federal Regulations.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Marvin Hilman, Director, Multifamily Property Disposition Division, Office of Multifamily Housing Management, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-7343. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 6, 1979 (44 FR 70362) HUD published rules governing the Section 8 housing assistance program for the disposition of HUD-owned projects. The Department revised and expanded 24 CFR Part 886, Subpart C to cover all future sales of projects requiring substantial rehabilitation. These sales had been governed by 24 CFR Part 886, Subpart B. The Department indicated that it would rescind Subpart B when all sales pending under that subpart were closed.

All sales under Subpart B are now closed. Since this Subpart is now

obsolete, we have amended the regulations to delete Subpart B.

Because this proceeding will eliminate obsolete regulations with no present or future use, prior notice and public comment are not necessary and are contrary to the public interest. Accordingly, this revision is being issued as a final rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President 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 United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 24 CFR 50.20(k) this rulemaking is not subject to the environmental assessment requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

Under 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 merely eliminates an obsolete regulation governing an inactive program.

This rule was not listed 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.

The Catalog of Federal Domestic Assistance Program numbers and titles are: 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 886

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

Accordingly, the Department amends 24 CFR Part 886 as follows:

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Subpart—[Reserved]

Part 886 is amended by removing and reserving Subpart B.

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

3535(d); Sec. 5(b) of the United States Housing Act of 1937; 42 U.S.C. 1437c(b); Sec. 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f.

Dated: July 30, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-20699 Filed 8-3-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 84-057]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones and special local regulations. Periodically the Coast Guard must issue safety zones, security zones and special local regulations for limited periods of time in limited areas. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones and special local regulations that were established between April 1, 1984 and June 30, 1984 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard

Headquarters, 2100 Second St. SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 426-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since Marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the *Federal Register* is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, *Federal Register* notice is not required to place the special local regulations, security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the *Federal Register* notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the *Federal Register* just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1984 through June 30, 1984 unless otherwise indicated:

Docket No.	Location	Type	Date
CCGD 1.....	Newport—Bermuda.....	Spec. Local Regulations.....	June 22, 1984.
COTP Nashville, TN Reg. 84-01.....	Tennessee River.....	Safety Zone.....	June 30, 1984.
CGD 02-84-04.....	Memphis in May, Canoe, Kayak Race, Memphis, TN.	Spec. Local Regulations.....	May 26, 1984.
COTP Louisville, KY Reg. 84-06.....	Ohio River, Mile 790.....	Security Zone.....	May 1, 1984.
COTP Paducah, KY Reg. 84-02.....	Cumberland River, Mile 88.3.....	Safety Zone.....	May 21, 1984.
CGD 02-84-02.....	Great Steamboat Race, Louisville, KY.....	Spec. Local Regulations.....	May 2, 1984.
CGD 02-84-03.....	Great Tenn. River Raft Race, Chattanooga, TN.	Spec. Local Regulations.....	June 2, 1984.