.83 *Payment of Postage.* Postage covering each separate unit of mail must be placed on the outside of the parcel. See 780, Domestic Mail Manual, for methods of postage payment.

.84 *Markings Required.*

a. Sections 764.1 and 767.1 prescribe the marking requirements for mailings of special fourth-class and bound printed matter. In addition to those markings, the mailer must place on each parcel below the postage and above the address an endorsement denoting the enclosure and the amount of additional postage paid for it. For example, BOUND PRINTED MATTER ENCLOSED $1.46 or SPECIAL FOURTH-CLASS ENCLOSED $0.69. Parcels containing bound printed matter and special fourth-class are properly chargeable with postage at parcel post zone rates when they are not marked as prescribed, or when the contents do not consist of separate and distinguishable units of mail, or when they are not machinable.

b. Combined mailings of special fourth-class and bound printed matter which are made through an alternate method of paying postage under the provisions of 145.9 must be identified according to the specific terms and conditions of the approved alternate arrangement.

.85 *Bulk or Presort Rate Mailings.* Bulk or presort rates may be claimed if the mail is prepared in accordance with the applicable provisions of sections 763, 764, or 767. Where bulk or presort rates are claimed on both subclasses, the mail must be sorted in accordance with the requirements which provide the finest degree of sortation of the two subclasses. For example, if a mailing consists of bulk bound printed matter and level A presorted special fourth-class rate mail, it must be sorted to 5-digit ZIP Code destinations meeting the provisions of sections 724.222 and 764.22. In this instance, sortation in accordance with the requirements prescribed in section 767 for bound printed matter would not suffice.

.86 *Forwarding and Return.* Combination parcels containing special fourth-class and bound printed matter will be charged postage at the parcel post zone rates when forwarded or returned.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-25524 Filed 10-28-85; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC-235-F]

Medicare Program; Limitation on Payment for Services Furnished To Employed Aged and Aged Spouses of Employed Individuals

Correction

In FR Doc. 85-24305 beginning on page 41503 in the issue of Friday, October 11, 1985, make the following correction:

On page 41511, in the second column, in the second line of § 405.341(d), "(30 days after publication)" should read "November 12, 1985".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This amendment revises procedural rules of the Office of Hearings and Appeals (OHA) at 43 CFR 4.5 and 4.27 to clarify that the Secretary does not have the power to exercise jurisdiction over matters before the Interior Board of Contract Appeals (IBCA), to establish procedures relating to the exercise of the Secretary's reserved powers over OHA proceedings and to broaden and strengthen the general prohibition against *ex parte* communications in OHA proceedings. The amendment also removes duplicative provisions regarding *ex parte* communications from the procedures for particular OHA proceedings.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: John H. Kelly, Deputy Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-3810; Deborah S. Ryan, Attorney-Advisor, Office of the Solicitor, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240, (202) 343-5216.

SUPPLEMENTARY INFORMATION: On March 19, 1985 (50 FR 10996), OHA published proposed amendments to its procedural rules at 43 CFR 4.5 and 4.27. OHA is the body within the Department of the Interior that has been delegated the authority of the Secretary to hear, consider, and determine matters within the jurisdiction of the Department involving hearings, appeals, and other review functions of the Secretary. OHA's general rules relating to procedures and practice are contained in 43 CFR Part 4, Subpart B. Other subparts in 43 CFR Part 4 contain procedural rules applicable to particular types of hearings, for example, land appeals.

OHA's general rules relating to procedures and practice clearly state that the Secretary has the authority to take jurisdiction at any stage of any case pending before OHA and render the final decision after holding such a hearing as may be required by law, to review any OHA decision, and to direct reconsideration of any decision. 43 CFR 4.5(a). The rules also state that the Director of OHA, pursuant to his delegated authority from the Secretary, may assume jurisdiction of or review any case before an appeals board or direct reconsideration of any decision by an appeals board. 43 CFR 4.5(b). The authority of the Secretary to review, take jurisdiction over, or direct reconsideration of OHA cases does not extend to cases of the Interior Board of Contracts Appeals (IBCA), whose decisions are final for the Department pursuant to the Contract Disputes Act of 1978, Pub. L. No. 95-563, 41 U.S.C. 601-613 (1982). This rule expressly excepts IBCA from the provisions relating to the exercise of reserved authority by the Secretary or Director.

The amended subsection also provides that when the Secretary or Director becomes personally involved in the decisionmaking process by taking jurisdiction of a pending case or reviewing a decision already issued, the parties and appropriate Departmental personnel—which would include the board or administrative judge handling the case—will be notified, the administrative record will be requested, and a written decision will be issued. We believe that these are appropriate procedural safeguards which enhance the administrative process. This

amendment does not modify existing policy with respect to the finality of OHA decisions for the purpose of exhaustion of administrative remedies or create an opportunity for appeal to the Secretary or Director. When this regulation was last amended to clarify the review authority of the Secretary and Director, the Department stressed that this authority was exercised "only on rare occasions," and that "[p]romulgation of this rule should not be construed as a change of that practice." 43 FR 37689 (Aug. 24, 1978). The proposed subsection merely clarifies certain procedures relating to the exercise of the Secretary's reserved authority.

The Department received one comment suggesting that the final rule include procedures and criteria for determining which cases will be reviewed under the Secretary's reserved authority. These regulations apply specifically only to proceedings before the Office of Hearings and Appeals. Which cases will be reviewed by the Secretary is beyond the scope of these regulations. The new provisions relating to exercise of reserved authority were added for the purpose of assuring that the administrative record is complete; they are not intended to restrict or limit in any respect the authority or discretion of the Secretary in reviewing OHA decisionmaking. Decisions by OHA are rendered on behalf of the Secretary, and it would not be appropriate to set conditions for Secretarial review of those decisions. This suggestion is not adopted.

It was also suggested that procedures to be followed once Secretarial review is granted be promulgated. The procedures to be followed by the Secretary will necessarily depend upon such factors as the status of the case at the time the Secretary decided to consider it personally, the circumstances under which such decision was made (*e.g.*, whether time was of the essence in order to avoid loss or damage), and the state of the record (*e.g.*, whether there are unresolved facts which will require the setting of a hearing; whether briefing is adequate). For these reasons and because such review is rarely exercised, procedural matters are best left to the Secretary to be dealt with as the need arises on a case-by-case basis. This suggestion is not adopted.

This rule revises the general prohibition against *ex parte* communications in 43 CFR 4.27(b) to change the provision's scope, applicability, and enforceability. The first change broadens the scope of the prohibited *ex parte* communications from communications on the merits of a proceeding or an appeal, as currently provided, to communications concerning the merits of a case or any related action pending before OHA, including an OHA rulemaking that would affect a pending case. The text of the amended regulation has been changed to make it clear that only rulemaking affecting 43 CFR Part 4 is affected; this provision does not affect rulemaking conducted by other Departmental offices.

The second change increases the number of people who may not have *ex parte* communications to include any party, person who has an interest in the decision to be rendered, or representative of a party or interested person and a member of OHA involved or likely to become involved in the decisionmaking process of a given proceeding. The term "interested person" was not defined in the text of the proposed rule but a definition has now been added. It is intended to be a wide, inclusive term covering any individual or other person with an interest in the proceeding. The interest need not be monetary, nor need a person be a party to, or intervenor in, the proceeding to come under this section. The term includes, but is not limited to, parties, competitors, public officials, and nonprofit or public interest organizations and associations with a special interest in the matter. The term also includes Departmental bureaus and offices (and the employees thereof), whether or not parties to the proceeding. The term does not include a member of the public at large who makes a casual or general expression of opinion about a pending proceeding; nor is it intended to include members of the public at large who may participate in a letter writing campaign generated by an interested person. A "representative" is intended to include, but is not limited to, a member of the Department's Office of the Solicitor who is representing a bureau or office before OHA. It would also include anyone who, though not interested in the proceeding himself, communicates with OHA at the request or suggestion of a party.

In addition, the rule adds a subsection to § 4.27(b) that conforms to the 1976 amendments to section 557 of the Administrative Procedure Act (APA), Pub. L. No. 94–409, 5 U.S.C. 557(d) (1982), regarding the placement of *ex parte* communications in the record and sanctions. Although a small percentage of OHA proceedings are governed by APA, we do not consider it advisable to have one standard for APA proceedings and a different standard for non-APA proceedings. The new subsection requires that any prohibited *ex parte* communication be made part of the record and that an opportunity for response be allowed. The final rule, however, does not require that an opportunity for response be provided in informal rulemaking proceedings because there are no parties to such a proceeding who need to be given an opportunity to respond in writing.

One comment questioned the meaning of "any other related action pending before the office," and suggested that petitions to reconsider board decisions and petitions to assume jurisdiction under § 4.5 be expressly included. The final rule includes requests for consideration or review by the Director in the definition of proceedings. Petitions for Secretarial review, however, are not included because such petitions are not proceedings before OHA. The subsection also authorizes an OHA administrative law judge, appeals board, or Director to require an offending party to show cause why the party's claim, interest, or motion should not be dismissed, denied, or otherwise adversely affected, and to invoke appropriate sanctions against other persons who violate the prohibition. One comment suggests that the sanctions should include automatic dismissal of a party's case if they fail to show cause by a deadline established in a show cause order. We do not adopt this suggestion. The regulation grants discretionary authority to the deciding official to dismiss the case if a deadline set forth in a show cause order is not met. Because dismissal is a severe sanction, we feel the deciding official should retain discretion to determine whether the circumstances surrounding a late response warrant dismissal.

One comment suggests that the regulation should expressly prohibit communications from private parties that were transmitted to the Director or OHA judges. We believe that the language of the regulation clearly includes such communications.

The same comment suggests that communications from within the Department either from bureaus or their lawyers of the Solicitor's Office to the Director or OHA judges also be prohibited. Such comments are prohibited because the bureaus are parties to the appeals from their decisions and the lawyers in the Solicitor's Office are representative of those bureaus as parties. The same comment also suggests prohibition of communications from Departmental representatives and lawyers to the staff of the Under Secretary or Secretary once jurisdiction has been assumed

under § 4.5. Such communications are not within the scope of these regulations.

The rule deletes certain other provisions regarding *ex parte* communications for particular OHA proceedings in order to avoid any duplication or inconsistencies in OHA procedures. The provision in 43 CFR 4.100(f) is not being deleted because it conforms to guidelines for Uniform Rules of Procedure for Boards of Contract Appeals promulgated by the Office of Federal Procurement Policy. Although less comprehensive than the revised rule, it is not considered to be inconsistent with it.

The Department of the Interior has determined that this document is not a major rule under Exec. Order No. 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The amendments are intended only to clarify the Secretary's review authority over OHA cases and to broaden and strengthen the general prohibition against *ex parte* communications. The amendments are not expected to have any discernible economic effects on OHA, other governmental units, private parties appearing before OHA, persons interested in OHA proceedings, or any other persons, including small entities.

This rule does not contain information collection requirements which require approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule also does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act.

The rule was drafted by Deborah Ryan, an attorney in the Division of General Law, Office of the Solicitor, and submitted by the Solicitor's Office to OHA as a proposal for its consideration. Substantial changes were made by Paul T. Baird, Director of OHA.

Lists of Subjects in 43 CFR Part 4

Administrative practice and procedure.

Dated: October 3, 1985.

Ann Dore McLaughlin,

Under Secretary.

Accordingly, 43 CFR Part 4, Subparts B, D, and I are amended as follows:

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

1. The authority citation for Part 4 continues to read as follows:

Authority: R.S. 2478, *as amended,* 43 U.S.C. 1201, unless otherwise noted.

Subpart B—General Rules Relating to Procedures and Practice

2. Section 4.5 is revised to read as follows:

§ 4.5 Power of the Secretary and Director.

(a) *Secretary.* Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law. The authority reserved to the Secretary includes, but is not limited to:

(1) The authority to take jurisdiction at any stage of any case before any employee or employees of the Department, including any administrative law judge or board of the Office, except the Board of Contract Appeals, and render the final decision in the matter after holding such hearing as may be required by law; and

(2) The authority to review any decision of any employee or employees of the Department, including any administrative law judge or board of the Office, or to direct any such employee or employees to reconsider a decision, except decisions by the Board of Contract Appeals.

(b) *The Director.* Pursuant to his delegated authority from the Secretary, the Director may assume jurisdiction of or review any case before any board of the Office or direct reconsideration of any decision by any board of the Office except the Board of Contract Appeals.

(c) *Exercise of Reserved Power.* If the Secretary or Director assumes jurisdiction of a case or reviews a decision, the parties and the appropriate Departmental personnel will be advised in writing of such action, the administrative record will be requested, and, after the review process is completed, a written decision will be issued.

3. Section 4.27(b) is revised to read as follows:

§ 4.27 Standards of Conduct

* * * * *

(b) *Ex parte communication.*—(1) *Prohibition.* There shall be no communications concerning the merits of a proceeding between any party to the proceeding or any person interested in the proceeding or any representative of a party or interested person and any Office personnel involved or who may reasonably be expected to become involved in the decisionmaking process on that proceeding, unless the communication, if oral, is made in the presence of all other parties or their representatives, or, if written, is furnished to all other parties. Proceedings include cases pending before the Office, rulemakings amended Part 4 of this title that might affect a pending case, requests for reconsideration or review by the Director, and any other related action pending before the Office. The terms "interested person" and "person interested in the proceeding" include any individual or other person with an interest in the agency proceeding that is greater than the interest that the public as a whole may have. This regulation does not prohibit communications concerning case status or advice concerning compliance with procedural requirements unless the area of inquiry is in fact an area of controversy in the proceeding. Any oral communication made in violation of this regulation shall be reduced to writing in a memorandum to the file by the person receiving the communication and shall be included in the record. Any written communication made in violation of this regulation shall be included in the record. In proceedings other than informal rulemakings copies of the memorandum or communication shall be provided to all parties, who shall be given an opportunity to respond in writing.

(2) *Sanctions.*—The administrative law judge, board, or Director who has responsibility for the matter with respect to which a prohibited communication has been knowingly made may impose appropriate sanctions on the offending person or persons, which may include requiring an offending party to show cause why its claim, motion, or interest should not be dismissed, denied, or otherwise adversely affected; disciplining offending Office personnel pursuant to the Department's standards of conduct (43 CFR Part 20); and invoking such sanctions against other offending persons as may be appropriate under the circumstances.

Subpart D—Rules Applicable in Indian Affairs Hearings and Appeals

* * * * *

§ 4.317 [Amended]

4. In § 4.317, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b).

Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964

§ 4.832 [Amended]

5. The heading of § 4.832 is revised to read: § 4.832 Consultation and advice.

6. In § 4.832, paragraph (a) is removed, and paragraphs (b) and (c) are redesignated as paragraphs (a) and (b).

[FR Doc. 85–25747 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–10–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

[Docket No. FEMA–FIA]

National Flood Insurance Program

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule; correction.

SUMMARY: This correction relates to the final rule that was published in the **Federal Register** on September 4, 1985 (50 FR 36016–36029), regarding changes in the National Flood Insurance Program (NFIP) regulations.

On page 36023 in the left-hand column in the definition of "Breakaway wall", the word "of" appearing between the words "building" and "supporting" should be "or". Also on page 36023, in the left-hand column in the definition of "Elevated building", the word "floor" appearing between the phrases "parallel to the" and "of the water" should be "flow". On page 36027 in the right-hand column, a subparagraph was added to paragraph B of the PROPERTY COVERED section of the General Property Form of the NFIP in Appendix A(2) to 44 CFR Part 61. The last existing subparagraph is numbered "3". The added subparagraph was inadvertently numbered "5", when it should have been numbered "4".

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW, Washington, D.C. 20472; telephone number (202) 646–3422.

Accordingly, in FR Doc. 85–21009, appearing on pages 36016–36029 in the issue of September 4, 1985, the following corrections are made:

PART 59—GENERAL PROVISIONS

§ 59.1 [Corrected]

1. On page 36023 in the left-hand column, the definition of "Breakway wall" is corrected by removing between the word "building" and the word "supporting" the word "of" and adding in its place the word "or".

2. On page 36023 in the left-hand column, the definition of "Elevated building" is corrected by removing between the words "parallel to the" and the words "of the water" the word "floor" and adding in its place the word "flow".

PART 61—INSURANCE COVERAGE AND RATES

Appendix A(2) of Part 61—[Corrected]

3. On page 36027 in the right-hand column, subparagraph "5" of paragraph B of the PROPERTY COVERED section is corrected by renumbering it as subparagraph "4".

Dated: October 9, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85–25712 Filed 10–28–85; 8:45 am]

BILLING CODE 6718–01–M

44 CFR Part 65

[Docket No. FEMA–6684]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–2768.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

State and County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Brevard	City of Palm Bay	Sept. 16, 1985 and Sept. 23, 1985, *Today.*	Hon. Richard Diamond, Deputy City Manager, City of Palm Bay, 175 N.W. Palm Bay Road, Palm Bay, Florida 32905.	Aug. 28, 1985	120404
Georgia: Cobb	Unincorporated areas	Oct. 11, 1985 and Oct. 18, 1985, *Marietta Daily Journal.*	Hon. Earl E. Smith, Chairman, Cobb County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, Georgia 30061.	Sept. 30, 1985	130052
Georgia: Cobb	Unincorporated areas	Oct. 11, 1985, and Oct. 18, 1985, *Marietta Daily Journal.*	Hon. Earl E. Smith, Chairman, County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, GA 30061.	Oct. 1, 1985	130052
Georgia: Gwinnett	Unincorporated areas	*Gwinnett Daily News, Sept. 16, 1985 and Sept. 23, 1985.*	Hon. Lillian Webb, Chairman County Commissioners, 240 Oak Street, Lawrenceville, Georgia 30245.	Sept. 9, 1985	130322
Georgia: Cobb	City of Marietta	Oct. 4, 1985 and Oct. 11, 1985, *Marietta Daily Journal.*	Hon. Robert E. Flournoy, Jr., Mayor, city of Marietta, P.O. Box 609, 205 Lawrence Street, Marietta, Georgia 30061.	Sept. 25, 1985	130226
Illinois: Kane	Village of West Dundee	Oct. 18, 1985 and Oct. 25, 1985	Hon. Richard Kraft, Mayor, Village of West Dundee, Village Hall, 102 South Second Street, West Dundee, IL 60118.	Oct. 4, 1985	170335
Indiana: Allen	City of Ft. Wayne	Sept. 27, 1985 and Oct. 4, 1985, *The News Sentinel.*	Hon. Winfield Moses, Mayor, City of Ft. Wayne, City/County Building, 1 Main Street, Ft. Wayne, Indiana 46802.	Sept. 16, 1985	180003
Louisiana: St. Mary Parish	City of Morgan City	Aug. 28, 1985 and Sept. 4, 1985, *The Daily Review.*	Hon. Cedric S. LaFleur, Mayor of the city of Morgan City, P.O. Box 1218, Morgan City, Louisiana 70381.	Aug. 16, 1985	220196
Ohio: Erie	Village of Bay View	*Sandusky Register, Oct. 7, 1985 and Oct. 14, 1985.*	Hon. Glen Harrelson, Mayor, Village of Bay View, 304 East Bay View Drive, Bay View, Ohio 44870.	Sept. 25, 1985	390595
Oklahoma: Oklahoma	City of Midwest City	*The Midwest Daily Sun* Aug. 15, 1985 and Aug. 22, 1985.	Hon. Dave Herbert, Mayor of the city of Midwest City, 100 N. Midwest Boulevard, P.O. Box 10570, Midwest City, Oklahoma 73140.	Aug. 6, 1985, Letter of Map Revision.	400405D
Texas: Dallas, Denton, and Collin Counties.	City of Carrollton	*Carrollton Chronicle,* Aug. 16, 1985 and Aug. 23, 1985.	Hon. Kenny Marchant, Mayor of the city of Carrollton, 1120 Metrocrest Drive, Carrollton, Texas 75006.	Aug. 9, 1985	480167C
Texas: El Paso	City of El Paso	*The El Paso Times,* May 17, 1985 and May 24, 1985.	Hon. Jonathan Rogers, Mayor of the city of El Paso, 2 Civic Center Plaza, El Paso, Texas 79999.	May 10, 1985	480214B
Texas: Harris, Fort Bend, and Montgomery Counties.	City of Houston	Oct. 11, 1985 and Oct. 18, 1985, *Houston Chronicle.*	Hon. Kathryn Whitmire, Mayor of the city of Houston, P.O. Box 1562, Houston, Texas 77251.	Sept. 30, 1985	480296
Texas: Bexar	City of San Antonio	Sept. 18, 1985 and Sept. 25, 1985, *San Antonio Light.*	Hon. Henry Cisneros, Mayor of the city of San Antonio, P.O. Box 9066, San Antonio, Texas 78285.	Sept. 11, 1985, letter of map revision.	480045C
Washington: Clallam	Unincorporated areas	Sept. 24, 1985 and Oct. 1, 1985, *The News.*	Hon. Harry Lydiard, Chairman, Clallam County Board of Commissioners, 223 East 4th Street, Port Angeles, Washington 98362.	Sept. 4, 1985	530021
Wisconsin: Green	City of Monroe	*Monroe Evening Times,* Aug. 12, 1985 and Aug. 19, 1985.	Hon. Patrick F. Thorpe, Mayor, city of Monroe, P.O. Box 200, 1110 18th Avenue, Monroe, Wisconsin 53566.	July 30, 1985	550162

Issued: October 9, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-25713 Filed 10-28-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 85-551]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order (MO&O).

SUMMARY: The Federal Communications Commission addresses petitions for reconsideration of modifications made to the access charge plan on further reconsideration, published on April 30, 1985, at 50 FR 18249. The MO&O affirms the decision to eliminate flat-rate charges for non-premium access services and require that these services be billed on a usage-sensitive basis. This action is taken in order to ensure effective competition in the interexchange market.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin (202) 632-9342, William Kirsch (202) 632-6363.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers, Telephone.

Memorandum Opinion and Order

In the matter of MTS and WATS Market Structure (CC Docket No. 78-72, Phase I).

Adopted: October 17, 1985.

Released: October 23, 1985.

By the Commission: Commissioner Dawson dissenting.

I. Introduction

1. The *Third Report and Order* in this docket (*Access Charge Order*) [1] established comprehensive rules governing the process by which local telephone companies recover the costs of their facilities and services used in the origination or termination of interstate and foreign communications.[2]

[1] MTS and WATS Market Structure, Third Report and Order, 93 FCC 2d 241 (1983) (hereinafter *Access Charge Order*), *modified on reconsideration,* 97 FCC 2d 682 (1983) (hereinafter *First Reconsideration Order*), *modified on further reconsideration,* 97 FCC 2d 834 (1984) (hereinafter *Second Reconsideration Order*), *aff'd in principal part and remanded in part, Nat'l Ass'n of Regulatory Utility Comm'rs v. FCC.,* 737 F.2d 1095 (D.C. Cir. 1984), *cert. denied,* 105 S.Ct. 1224, 105 S. Ct. 1225 (1985), *modified on further reconsideration,* 49 Fed. Reg. 46, 383 (1984), 50 Fed. Reg. 18, 249 (April 30, 1985) (hereinafter *Third Reconsideration Order*), *appeal pending, U.S. Telephone, Inc., v. FCC,* Nos. 84-1115 and 85-1386 (D.C. Cir., filed March 23, 1984 and June 24, 1985).

[2] The Commission's separations procedures govern the apportionment of local telephone

Continued