the operating statement must nevertheless contain sufficient information, including a description of non-price terms, as is necessary to apply the affiliated entities test. [17] Phelps Dodge has not presented any new facts or arguments which would warrant modifying the requirements established in Order No. 391. If experience under the rule demonstrates the need for more specific information concerning a pipeline's production operations, the matter will be reconsidered and if necessary the requirements of the operating statements will be revised.

I. Determination of Section 104 Price for Pipeline Production Previously Priced on Cost-of-Service Basis

Phillips Petroleum Company and Phillips Oil Company (jointly Phillips) request rehearing of the provisions of Order No. 391 establishing prices under section 104 of the NGPA for pipeline production previously priced on a cost-of-service basis. Under the rule, pipelines are entitled to the same, ceiling prices under section 104 as independent producers. Phillips argues that pipeline production previously priced on a cost-of-service basis has a different maximum lawful price under section 104. Section 104 provides that the maximum lawful price is the higher of the just and reasonable rate in effect on April 20, 1977, as adjusted for inflation pursuant to section 101(a) of the NGPA (section 104(b)(1)(A)), or "any just and reasonable rate which was established by the Commission after April 10, 1977 and before the date of enactment of this Act . . ." (section 104(b)(1)(B)). For producers, and for pipeline production based on producer ceiling prices, the rate in effect on April 20, 1977, was an applicable area or national rate previously established by the FPC. However, Phillips notes that as to pipeline production priced on a cost-of-service basis as of April 20, 1977, a just and reasonable rate was also established, namely the cost-of-service rate converted to a Btu basis. According to Phillips, the applicable rate for such production under section 104 is the April 20, 1977 cost-of-service rate per MMBtu plus the section 101(a) inflation adjustments. [18] Since the cost-of-service rates for pipeline production were in most cases lower than the rates allowed producers for equivalent production, the resulting ceilings advocated by Phillips would normally be below the applicable section 104 ceiling prices approved by the Commission in this rule. Phillips appears to argue that this aspect of the rule is unduly favorable to pipeline producers.

Phillips' position would not permit a pipeline to receive the same section 104 rate that a producer would receive. Gas produced by an independent producer that was committed or dedicated to the interstate market before the date of enactment of the NGPA for which a just and reasonable rate was in effect qualifies for the section 104 rate. The Commission blieves the *Mid-Louisiana* decision requires parity treatment for producer and pipeline production. To achieve this result the Commission believes that pipeline production previously priced on a cost-of-service basis must be permitted to receive the section 104 NGPA ceiling prices. Therefore Phillips' request for rehearing is denied.

In consideration of the foregoing, the Commission orders:

The requests for rehearing of Order No. 391 are denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-8802 Filed 4-11-85; 8:45 am]

BILLING CODE 6717-01-M

[17] Order No. 391, 49 FR 33849, 33853 (Aug. 27, 1984).

[18] A similar argument is made by AEPCO. See AEPCO's request for rehearing, p. 3.

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18 CFR Part 271

[Docket No. RM79-76-236; Texas-9 Addition VI; Order No. 414]

High-Cost Gas Produced From Tight Formations; Texas

Issued: April 10, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1984)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This order adopts the recommendation of the Railroad Commission of the State of Texas that an additional specified area of the Travis Peak Formation, located in Nacogdoches and Rusk Counties, Texas, Railroad Commission District 6, be designated as a tight formation under § 271.703 of the Commission's Regulations.

EFFECTIVE DATE: This rule is effective May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Edward G. Gingold, (202) 357-5491 or Walter W. Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION:

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

The Commission amends § 271.703(d) of its regulations (18 CFR § 271.703(d) (1984)) to include an additional area of the Travis Peak Formation, located in Nacogdoches and Rusk Counties, Texas, Railroad Commission District 6, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 8, 1984 (49 FR 45174, November 15, 1984) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that a specified area of the Travis Peak Formation located in Nacogdoches and Rusk Counties, Texas, Railroad Commission District 6, be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the specified area of the Travis Peak Formation located in Nacogdoches and Rusk Counties, Texas, meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective May 10, 1985.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

[1] Comments on the proposed rule were invited and none were received. No party requested a public hearing and no hearing was held.

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(36)(vi) to read as follows:

§ 271.703 Tight Formations.

* * * * *

(d) *Designated tight formations.* * * *

(36) *Travis Peak Formation in Texas. FM79–76 (Texas–9).* * * *

(vi) *Toolan (Travis Peak) Field.*

(A) *Delineation of formation.* The designated portion of the Travis Peak Formation consists of all or part of the surveys located in the Toolan Field, in portions of Nacogdoches and Rusk Counties, Texas, specifically the area encompassed by a 2.5 mile radius around Hill International Production Company's E. J. Edwards, *et al.*, No. 1 well, located approximately one mile southwest of the town of Garrison, Texas, Francis Kellett Survey, Abstract 329.

(B) *Depth.* These Travis Peak sands are found in the interval ±7,100 feet subsea to ±9,200 feet subsea, or from the base of the Pettit to the top of the Cotton Valley intervals.

* * * * *

[FR Doc. 85–8803 Filed 4–11–85; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF STATE

22 CFR Part 2

[Departmental Regulation 108.841]

Duration of Protection for United States Representative to the United Nations

AGENCY: Office of the Under Secretary for Management, Department of State.

ACTION: Final rule.

SUMMARY: The Department of State, by this regulation, authorizes security officers designated under 22 CFR 2.1 to provide protection to the departing United States Representative to the United Nations. The purpose of the regulation is to clarify the continuity of protection for that officer.

The regulation limits authorization to a maximum of 30 days.

A successor to the United States Representative has been designated and the incumbent's resignation is effective at the end of April 1, 1985. This presents an immediate emergency situation to which this regulation responds, making it impracticable to follow the procedures of Executive Order 12291 (46 FR 34263) (exemption 8(a)(1)). Similarly, on the basis of the present emergency, the Department finds that notice and public procedure on this regulation are impracticable and contrary to the public interest. Because of the importance of the protection of the departing Representative of the United States to the United Nations to the conduct of foreign relations, the Department also finds that this regulation involves a foreign affairs function of the United States.

DATE: This regulation is effective April 1, 1985.

ADDRESS: Send written comments to: The Assistant Legal Adviser for Management, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: K.E. Malmborg, Assistant Legal Adviser for Management, (202) 632–2350.

SUPPLEMENTARY INFORMATION: As required by 22 U.S.C. 2666, this regulation has been transmitted, prior to its effective date, to the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee.

List of Subjects in 22 CFR Part 2

Foreign officials, Security measures.

Accordingly, 22 CFR 2.1 is amended by adding at the end thereof the new paragraph (c) set forth below:

PART 2—[AMENDED]

§ 2.1 [Amended]

* * * * *

(c) When the Under Secretary of State for Management determines that it is necessary, persons designated under paragraph (a) of this section shall be authorized to provide protection to a departing United States Representative to the United Nations. In providing such protection, they are authorized to exercise the authorities described in paragraphs (1) and (2) of paragraph (a) of this section. Such protection shall be for the period or periods determined necessary by the Under Secretary of State for Management, except that the period of protection under this paragraph shall in no event exceed 30 calendar days from the date of termination of that individual's incumbency as United States Representative to the United Nations.

Dated: April 1, 1985.

Ronald I. Spiers,

Under Secretary for Management.

[FR Doc. 85–8685 Filed 4–11–85; 8:45 am]

BILLING CODE 4710–10–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 204

[Docket No. R–85–965; FR–1415]

Withdrawal of Final Rule for the TMAP Program

Correction

In FR Doc. 85–7356 appearing on page 12527 in the issue of Friday, March 29, 1985, make the following correction: In the second column, in the SUPPLEMENTARY INFORMATION in the fourteenth line, "1984" should read "1985".

BILLING CODE 1505–01–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Notice of Final Date for Voluntary Relocation Application

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: This notice establishes final rules regarding Notice of Final Date for Voluntary Relocation Application. This action is necessary to respond to the Fiscal Year 1985 Interior Appropriations Bill, Pub. L. 98–473, which contains language establishing July 7, 1985, as a deadline for receipt of applications for voluntary relocation.

EFFECTIVE DATE: May 13, 1985.

ADDRESS: Comments may be sent to the Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002, Telephone (602) 779–2721.

SUPPLEMENTARY INFORMATION: The Fiscal Year 1985 Interior Appropriations Bill, Pub. L. 98–473, contains language establishing July 7, 1985 as a deadline for receipt of applications for voluntary relocation. The Conference Report also contained the following explanatory language:

Language is included in the bill to establish July 7, 1985 as deadline for receipt of applications for voluntary relocation instead of June 30, 1985 as proposed by the Senate.

The managers agree that benefits for voluntary relocation shall be available only to those households or individuals who have filed an application with the Commission on or prior to July 7, 1985.

With respect to "involuntary relocatees", the managers believe that it is the responsibility of the Commission to notify those individuals eligible for relocation of the change in the date for applications. After July 7, 1985, those people who have not applied cannot be considered uninformed and therefore are "involuntary relocatees" if they have not made the effort to apply for relocation with the Commission.

In order to implement these provisions, the Commission has adopted regulations which provide for notice to applicants, filing of applications, and defining involuntary relocation.

Comment was received from the Navajo Tribe regarding the use of the term "involuntary relocatee." The Tribe stated that the term was offensive and labeled people as lawbreakers. The Navajo-Hopi Legal Services Program also commented on this term stating that the use of the term may constitute a violation of the U.S. Constitution. The Commission has removed the term "involuntary relocatee" from the Final Rule.

The proposed rule suggested the removal of § 700.139, Referral for Action. Comment was received that the section remain in the Final Rule. This comment has been incorporated into the Final Rule thus, § 700.139 will remain in the regulations. Regarding § 700.139, the option to exercise the referral for action may be taken at a date which shall be five years after the date of approval of the Report and Plan by the Congress. This is consistent with Pub. L. 93-531 and the Report and Plan.

Finally, the date July 8, 1985 (Monday) is established as the final date that applications can be received rather than July 7, 1985 which is a Sunday.

The principal author of this proposed rulemaking is E. Susan Crystal, Attorney-at-Law, of the Navajo and Hopi Indian Relocation Commission.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflicts of interests, Freedom of Information, Grant program-Indians, Indian-claims, Privacy, Real property acquisition, Relocation Assistance.

Authority: 25 U.S.C. 640d, Pub. L. 93-531, 25 U.S.C. 640d-14, Pub. L. 96-305.

PART 700—[AMENDED]

Accordingly, the Commission amends Subpart C, by revising § 700.137, and adding § 700.138, *Persons who have not applied for voluntary relocation by July 8, 1985 as follows.* (Section 700.139 remains unchanged.):

§ 700.137 Notice of final date for voluntary relocation application.

(a) *General.* Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable following the final publication of this rule and informed of the deadline for application for voluntary relocation benefits.

(b) In order to be considered for voluntary relocation assistance benefits, an applicant must have filed a completed application form with the Commission by close of business on July 8, 1985.

§ 700.138 Persons who have not applied for voluntary relocation by July 8, 1985.

(a) Pursuant to 25 U.S.C. 640d-14(d)(3), heads of households who do not make timely arrangements for relocation by filing an application by July 8, 1985, shall be provided a replacement home by the Commission. To be eligible for benefits (Housing and Moving Expenses), such persons must be domiciled on July 8, 1985, on land partitioned to a tribe of which they are not members; and they must also otherwise meet all other current eligibility criteria.

(b) The Commission shall utilize amounts payable with respect to such households pursuant to 25 U.S.C. 640d-14(b)(2) and 25 U.S.C. 640d-14(a) for the construction or acquisition of a home and related facilities for such households.

(c) Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance by July 8, 1985, shall be contacted by the Commission as soon as practicable. At such time, the Commission shall—(1) request that the head of household choose an available area for relocation, and contract with the Commission for relocation; and (2) offer the relocatee suitable housing; and (3) offer to purchase from the head of household the habitations and improvements; and (4) offer provisions for the head of household and his family to be moved (e.g., moving expense, etc.).

Ralph A. Watkins, Jr.,

Chairman, Navajo-Hopi Relocation Commission.

[FR Doc. 85-8785 Filed 4-11-85; 8:45 am]

BILLING CODE 7560-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 47 and 178

[T.D. ATF-202]

Importation of Firearms and Other Miscellaneous Amendments Relating to Firearms and Ammunition

AGENCY: The Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule implements a provision of the Trade and Tariff Act of 1984 pertaining to the importation of certain firearms classified as curios or relics. It also removes from the regulations, or redesignates, the penalty, seizure, and forfeiture provisions in Subpart J of 27 CFR Part 178 relative to firearms and ammunition.

DATE: This final rule is effective on April 12, 1985.

FOR FURTHER INFORMATION CONTACT: Daniel E. Crowley, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7591).

SUPPLEMENTARY INFORMATION: This final rule implements § 233 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2991). This section of the Act amended § 925 of Chapter 44 of Title 18, United States Code (18 U.S.C. Chapter 44), by adding a new paragraph (e). Under this paragraph, the importation by a licensed importer of all rifles and shotguns listed by the Director as curios or relics, and all handguns listed by the Director as curios or relics that are generally recognized as particularly suitable for or readily adaptable to sporting purposes, is allowed notwithstanding any other provision of Title 18.

Under the amendment, a licensed importer may import rifles, shotguns, or handguns listed as curios or relics notwithstanding the 18 U.S.C. 925(d)(3) prohibition on importation of surplus military firearms. However, the importation of curio or relic handguns is subject to the same sporting purposes criterion specified in 18 U.S.C. 925(d)(3). Therefore, non-sporting handguns, including surplus military non-sporting handguns, remain nonimportable.

The amendment, however, does not in any way affect other U.S.C. titles containing provisions concerning the importation of firearms. For example,