ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Denis M. Lohman

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 18th Floor Fulton Building, Harrisburg, PA 17120, Attn: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, PA 15201, Attn: Roger C. Westman

FOR FURTHER INFORMATION CONTACT: Denis Lohman (3AM11) at the EPA, Region III address above or telephone (215) 597–8375.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act, the Administrator of EPA has promulgated the NAAQS attainment status for all areas within each state (see, 43 FR 8962 (March 3, 1978)). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

Background

Allegheny County is presently designated as "Cannot Be Classified" for NO_2. This designation was promulgated because there were no NO_2 monitors in the County upon which an attainment designation could be based. The Allegheny County Bureau of Air Pollution Control (BAPC) installed and operated two monitors at locations approved by EPA. One location (Downtown) selected was the central business district of Pittsburgh. The second location (Lawrenceville) was an area of mixed residential, commercial and industrial character outside of and downwind of the central business district.

By the end of the third quarter of 1984 eight consecutive quarters of data, meeting the EPA completeness criteria, had been collected at Lawrenceville. At the Downtown site the latest five quarters of data met the completeness criteria. The remaining data were slightly less complete than required. The data at both sites were consistent with all quarterly averages were well below the NAAQS for NO_2.

On December 24, 1984, the Pennsylvania Department of Environmental Resources submitted a request to redesignate Allegheny County to "Better Than National Standards" with respect to NO_2. Also submitted for consideration was the fact that emissions of nitrogen oxides, from mobile sources, were expected to decrease with implementation of the Federal Motor Vehicle Control Program. In addition, there were no known plans for expansion or construction of major NO_2 emission sources.

EPA, on March 28, 1985, published a Proposed Rulemaking Notice at 50 FR 12341 approving the redesignation request and soliciting public comment. No comment for or against the proposed redesignation have been received.

Conclusion

EPA has determined that the requirements for redesignation under section 107 have been satisfied. Therefore, EPA is today approving Pennsylvania's request to redesignate Allegheny County to "Better Than National Standards" status for NO_2 (40 CFR 81.339). All other section 107 redesignations for the Commonwealth of Pennsylvania remain intact.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas, Intergovernmental relations.

Authority: See 107, Clean Air Act (42 U.S.C. 7407).

Dated: July 22, 1985.

Lee M. Thomas,

Administrator.

[FR Doc. 85–17877 Filed 7–26–85; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–41

[FPMR Amdt. G-73]

Transportation Documentation and Audit: Revision of Government Bill of Lading Forms

AGENCY: Office of the Comptroller, GSA.

ACTION: Final rule.

SUMMARY: This rulemaking adopts changes to the U.S. Government Bill of Lading (GBL). Three changes are made to Standard Form (SF) 1103, two changes to SF 1109, and one change is made to SF 1203.

Regarding the revised content and format of SF 1103 and SF 1109, there have been many changes in transportation practices and data collection procedures since thes forms were last revised (March 1977). The new GBL eliminates obsolete information blocks, adds new information blocks, and revises format to provide Federal agencies with a form which will be more useful both as a transportation document and as a computer source document.

Regarding the changed sequence of Memorandum Copies in the GBL set and SF 1109 set, fiscal and administrative officers have informed the General Services Administration (GSA) that memorandum copies (SF 1103–A and SF 1109–A) are illegible and unsuitable for photo copying and microfilming. One copy of SF 1103–A and SF 1109–A have been moved to the third position, to permit clearer copies that will yield more legible photo copies and microfilm images.

Regarding the Revised Terms and Conditions section of SF 1103 and SF 1203, the Terms and Conditions section of SF 1103 and SF 1203 are amended by adding a statement that interest on overcharges will accrue from the voucher payment date.

EFFECTIVE DATE: July 29, 1985.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures and Review Branch, Office of Transportation Audits, (202) 786–3014 or (FTS) 786–3014.

SUPPLEMENTARY INFORMATION:

Background

A Notice of Proposed Rulemaking (NPRM) to change the content and format of SF 1103, SF 1109, and SF 1131 was published in the **Federal Register** (FR) of August 24, 1981 (46 FR 42686). Subsequent to that date, GSA proposed cancelling SF 1131 because of low usage by Federal agencies. A NPRM was published on October 13, 1983 (48 FR 46554), and absent negative comments, a final rule was published on April 10, 1984 (49 FR 14105), cancelling SF 1131 effective the same date. A NPRM to change the order of forms in the GBL set by moving the last SF 1103–A, Memorandum Copy, to the third position in the set was pubished on April 22, 1983 (48 FR 17360). SF 1109 is a continuation form (§ 101–41.302–2(d)), used for listing information when there is no room left on the SF 1103. It was inadvertently omitted from the NPRM and is included in this regulation change.

A NPRM to amend the Terms and Conditions section of SF 1103 by adding

a statement that interest on overcharges will accrue from the voucher payment date was published on April 10, 1984 (49 FR 14147). The NPRM did not mention SF 1203 which is often substituted for the SF 1103 in the movement of privately owned personal property. It, too, has been included in this regulation change.

Amendment G–68 to 41 CFR 101–41 cancelled SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request in Section 101–41.202. This amendment deletes an SF 1172 listing which had been inadvertently retained.

The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Discussion of Major Comments. The following summarizes major comments, suggestions, and our determinations and actions taken.

Four responses were received from Federal agencies, and one response was received from a carriers' association concerning the NPRM changing the format of SF 1103. One agency response asked that the GBL be revised to permit consignees to certify carrier performance of special services. Both the current and proposed SF 1103's already instruct the carrier to annotate if special services are ordered and not performed. In addition, carrier self certification of delivery, a practice which has been in effect for many years, removes the consignee from the certification process. This, in our opinion, makes the suggester's proposal impractical, and it has not been adopted. Another agency response asked that several terms used on the front of the GBL be defined on the back of that form. Because of limited space on the GBL, we will publish these definitions in an updated instruction manual after this final rule becomes effective. A third agency response asked that we change the caption of block 26B from "PER" to "PCS" because carriers sometimes use this block to indicate the number of pieces in a shipment instead of entering the carrier agent's initials (block 26B's intended purpose). Since the agent's initials are useful in establishing legal custody of the shipment, this suggestion has not been adopted. The fourth response from Federal agencies suggested enlarging various data blocks to accommodate more information. We have adopted this suggestion. The carriers' association proposed numerous changes to the size and location of data blocks. We have adopted all of the carriers' association's proposed changes except for those concerning blocks 22, 23, and 24. The association asked that these three blocks be kept in the same location as on the current GBL so as not to confuse carrier employees familiar with the standard layout of current GBL's and commercial bills. GSA has resdesigned the GBL so that transportation management data can be processed by Government agencies in a more orderly and efficient manner. The layout of information on the proposed GBL corresponds to the order in which that information is to be entered into DOD's automated data management system. For that reason, DOD (the largest user of GBL's) opposes moving blocks 22, 23, and 24 back to their original location. DOD believes carrier employees will adapt to the new GBL format without causing any significant delays or misroutings of Government shipments. We believe there will be sufficient time between adoption of this rule and the printing and distribution of the revised SF 1103 for carriers to train their employees on how to handle the revised GBL, and that relocating the three blocks in question to their former positions is not in the best interest of the Government.

No responses were received to that portion of our NPRM changing the format of SF 1109, and we are adopting that change as proposed.

We received no responses to our NPRM changing the sequence of Memorandum Copies in SF 1103. We are adopting that change as proposed and are making a similar change to SF 1109.

We received five timely comments to our NPRM adding interest assessment provisions to the Terms and Conditions section of SF 1103/1203: three carriers' associations (associations), one household goods carrier (carrier), and one Federal agency..

One association objected to GSA assessing interest on overcharges, arguing that the Debt Collection Act of 1982 (the Act), Pub. L. 97–365, *et seq.*, provides for a waiver of interest payment if the claim is paid by the debtor within (30) days after the date from which interest accrues (Paragraph 5 of Section 11 of the Act). All three associations questioned the propriety of assessing interest from the voucher payment date. They contended that GSA has misapplied the Act by assessing interest from the voucher payment date instead of the date of the notice of overcharge (claim) is mailed to the carrier (Paragraph 5 of Section 11 of the Act (96 Stat. 1755–56), (31 U.S.C. 3717(b)(2)). GSA's position is that under the contract terms of the revised GBL form, as provided in accordance with Paragraph 3 of Section 11 of the Act, the contract terms of the revised GBL form and not Paragraph 5 of Section 11 of the Act will apply as to interest on overcharges on transportation services whenever the revised GBL form is used. However, the provisions of Paragraph 5 of Section 11 will apply when the old GBL form is used. Since the GBL, as revised in this rulemaking, explicitly fixes assessment of interest charges, it is specifically excepted from the interest and penalty provisions of the Act. See 31 U.S.C. 3717(g)(1).

One association further alleged that our proposal exceeds GSA's identified statutory authority under the terms of Administrative Procedure Act (5 U.S.C. 553), does not comply with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), and does not establish which interest rate published by the Secretary of the Treasury will apply. GSA believes this rulemaking is clearly within its identified statutory authority and that arguments to the contrary, based on the Administrative Procedure Act (5 U.S.C. 553), have no merit because of the exemption for government contract matters in that Act (5 U.S.C. 553(a)(2)). Similarly this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 603 (a)) since its applicability is subject to the contract exception provisions of 5 U.S.C. 553(a)(2).

A question may exist as to when interest accrues under the Terms and Conditions statement specified in our NPRM. To make the interst dates specific, we have revised the statement by adding:

> Interest shall accrue from the voucher payment date on overcharges made hereunder and shall be paid at the same rate *in effect on that date as* published by the Secretary of the Treasury pursuant to the Debt Collection Act of 1982.

Two associations argued that a combination of interest from voucher payment date plus GSA's backlog of unaudited documents would work an economic hardship on the transportation industry. Normal commercial business practices permit disbursing offices to examine and amend bills before

payment, reducing the probability of post payment claims. However, section 322 of the Transportation Act of 1940, as amended, 31 U.S.C. 3726, requires Government finance offices to pay bills for the transportation of persons or property upon presentation and prior to audit or settlement. This unique provision enables carriers to receive immediate payment for transportation services. Therefore, the delay in auditing, cited by the associations as an argument against assessing interest from voucher payment date, presently works in the carrier's favor by permitting them the use of amounts collected through overcharges without financial penalty, from the voucher payment date, until such time as the Government presents a claim.

The household goods carrier recommended that refunds (negative currency adjustments) not be subject to interest assessment until 90 days after the effective date of applicable tariff charges. This, it was argued, would allow carriers time to receive currency adjusted tariffs issued by the Government and post audit billing documents. The carrier also asked that reweigh and negative currency adjustments recognized by the carrier in supplemental billings or payments not be subject to interest charges. The carrier's concern that it be assessed interest on the adjusted amount rather than the original amount billed is beyond the scope of this rulemaking. GSA matches supplemental bills with original paid bills during its audit and bases its overcharge claims on the adjusted amounts. Any questions the carrier may have on specific overcharges will be handled directly with the carrier, separate from this rulemaking. Finally, the carrier expressed the opinion that any funds withheld based upon erroneous set-off action taken by the Government against a carrier should be returned to the carrier with interest. Consideration of that suggestion is beyond the scope of this rulemaking. There is no provision of law which permits payment of interest under such circumstances.

The Federal agency, in endorsing the proposed rulemaking, noted that the rule would protect the Government from situations where, as a result of overcharges, carriers have free use of the Government's money for considerable periods of time.

Exception to regulations. 41 CFR 101–11.806 states that any exception or deviation granted to a Standard Form is voided when that Standard Form is revised. Therefore, agencies that have been granted an exception to deviate from the regulations pertaining to SF 1103 (Revised 3–77), SF 1109 (Revised 3–77), and SF 1203 (7–79) must refile for an exception with GSA (BWC), if they wish to continue their exception with these new revisions of SF 1103, SF 1109, and SF 1203.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Moving of household goods, Railroads, Transportation.

Title 41, Part 101–41 of the Code of Federal Regulations is amended as follows:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for Part 101–41 continues to read as follows:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101–41 is amended by revising the entries for §§ 101–41.302–2 and 101–41.302–5 as follows:

Sec.

101–41.302–2 Description and distribution of Government bills of lading.
101–41.302–5 Pickup and delivery services.

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States.

3. Section 101–41.202 is amended by revising the introductory and paragraph and removing paragraph (h) as follows:

§ 101–41.202 Standard Forms related to passenger transportation.

The Standard Forms listed in paragraphs (a) through (g) of this section are prescribed for use in connection with the procurement of passenger transportation services for the account of the United States.

* * * * *

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

4. Section 101–41.302–2 is revised as follows:

§ 101–41.302–2 Description and distribution of Government bills of lading.

(a) The U.S. Government bill of lading (GBL) consists of six basic forms and is available in sets of seven or nine parts, depending on the number of memorandum copies needed. The sets are carbon-interleaved for simultaneous preparation. The GBL set is arranged in the following order.

(1) SF 1103 (original), which refers to Subpart 101–41.3 for the terms and conditions of the contract of transportation and contains both the description of the articles comprising the shipment and the certificate of delivery is given to the carrier upon tender of shipment for use as supporting documentation with the voucher covering the transportation charges involved.

(2) SF 1104 (shipping order) is retained by the carrier's agent at the shipping point.

(3) SF 1103–A (memorandum copy) for use by the shipper for fiscal or administrative purposes.

(4) SF 1105 (freight waybill (original)) accompanies the shipment or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original GBL is lost.

(5) SF 1106 (freight waybill (carrier's copy)) is for disposition by the carrier.

(6) SF 1103–A (memorandum copy), of which there are two or four copies, is for use by the shipper for fiscal and administrative purposes.

(7) SF 1103–B (memorandum copy-consignee) is sent to the consignee immediately after surrender of the original to the initial carrier.

(b) [Reserved]

(c) The U.S. Government bill of lading, privately owned personal property, is a nine-part form available in either snapout or computer pinfeed formats. This set (SF 1203 through SF 1206) is arranged in the same order as the GBL set, except that the first of the SF 1203–A's (memorandum copies) is in the fifth position rather than the third position of the set. Distribution of the individual parts of SF 1203 is the same as that for SF 1103, except for the memorandum copy-consignee (property owner) which is furnished to the consignee (property owner) by the origin carrier or its agent at the time of pickup of the shipment.

(d) The GBL continuation sheets (SF 1109 through 1112) are also available in seven- or nine-part sets and are arranged in order corresponding to the GBL sets. The continuation sheets are for use with the regular GBL and the personal property GBL.

(e) Separate sheets of the memorandum copy (SF 1203–A) are available to Government agencies for addition to the nine-part SF 1203 set.

5. Section 101–41.302–4 is amended by revising paragraph (c)(1) as follows:

§ 101-41.302-4 General instructions for the preparation of GBL's and common problem areas.

* * * * *

(c) *Common problem areas.* (1) The "For Use of Billing Carrier Only" section is reserved for recording certain data by the accounting officer of the billing carrier and must not be covered by marks or writing by others handling the GBL. This boxed section on the memorandum copies of the GBL form is available to the issuing officer for showing estimated transportation charges and such accounting classifications as may be required.

* * * * *

6. Section 101-41.302-5 is revised as follows:

§ 101-41.302-5 Pickup and delivery services.

(a) Pertinent sections on the GBL indicating that the carrier furnished pickup service at origin shall be completed and initialed by the shipper or shipper's agent. In certain instances the tariff covering this service provides charges that are in addition to the line-haul rate or charges.

(b) When a shipper or consignee so requests and if the carrier furnishes delivery service at destination in connection with a less-than-carload or an any-quantity rail shipment or on shipments by other modes of transportation, the carrier shall check the appropriate box in the "Certificate of Carrier Billing" section on the GBL.

7. Section 101-41.302-6 is amended by revising paragraph (a) as follows:

§ 101-41.302-6 Special services.

(a) Additional information or facts necessary to support higher charges resulting from accessorial or special services ordered and furnished incident to the line-haul transportation shall be inscribed on the face of the GBL in the section designated "Marks and Annotations" or on the reverse side of the GBL beneath the caption "Special Services Ordered." The inscription shall contain the name of the carrier upon whom the request was made and the kind and scope of services ordered and shall be signed by or for the person ordering the services. If such an inscription is impractical, a statement containing the information and bearing the number of the covering GBL and signed by or for the person who ordered the services will be acceptable.

* * * * *

8. Section 101-41.303-2 is amended by revising paragraph (a)(1) and (a)(2) as follows:

§ 101-41.303-2 Conversion of commercial bills of lading.

(a) * * *

(1) When the origin carrier requires the original commercial document, the shipper shall surrender it to the initial carrier's agent for his certification as follows:

INITIAL CARRIER'S AGENT, BY SIGNATURE BELOW, CERTIFIES THAT HE RECEIVED THE ORIGINAL OF THIS DOCUMENT

The certification shall be written on the original and all copies of the commercial bill of lading or commercial express receipt, and a memorandum copy thereof shall be returned to the shipper for forwarding to the authorizing agency. The authorizing agency receiving the properly certified memorandum copy of the commercial bill of lading or commercial express receipt shall issue or cause to be issued a GBL, forward the GBL promptly to the origin carrier for transmittal to the billing carrier, and retain the memorandum copy of the commercial document. The billing carrier, having received both the original commercial document and the GBL from the origin carrier, shall execute the "Certificate of Carrier Billing" on the GBL, cross-reference both original documents, securely attach them together, and use the documents to support its billing.

(2) When the origin carrier does not require the original commercial document, the shipper shall obtain the signature of the origin carrier's agent on the original and all copies and immediately forward the original to the agency that authorized the shipment. The authorizing agency shall issue or cause to be issued a GBL for the shipment involved. The original commercial document and the issued GBL, properly cross-referenced and securely attached together, shall then be forwarded to the origin carrier for transmittal to the billing carrier for execution of the "Certificate of Carrier Billing" and preparation of the SF 1113.

* * * * *

9. Section 101-41.305-3 is revised to read as follows:

§ 101-41.305-3 GBL's covering free or surrendered transit.

A GBL covering free or surrendered transit is issued for use with an outbound shipment from the transit installation where the line-haul charge to the transit installation equals or exceeds the through transportation charge plus the transit charge. After completing the "Certificate of Carrier Billing" section of the GBL covering free transit, the billing carrier shall attach the GBL to an SF 1113 bearing the carrier's bill number and submit both forms to the paying office of the agency concerned with a check for any amount due the United States.

10. Section 101-41.306 is amended by revising paragraphs (a) and (c) as follows:

§ 101-41.306 Disposition of GBL forms upon delivery of property to carrier for shipment.

(a) The shipper (issuing officer or contractor) shall surrender the original GBL, shipping order, freight waybill (original), freight waybill (carrier's copy), and comparable copies from continuation sheets, if any, to the initial carrier's agent at the time the shipment is tendered. The carrier's agent shall acknowledge receipt of the shipment and of the original GBL and copies by inserting in the designated spaces on the lower left side of the original GBL and on all copies of the GBL the pickup date and his signature. The initials of the agent's representative shall be entered under the "Per" heading if appropriate.

* * * * *

(c) On local or single-line movements, the carrier shall retain the original GBL for use as support for billing of charges after properly executing the "Certificate of Carrier Billing." On interline or intermodal movements, except those falling under the procedures in § 101-41.312, the origin and the interline carriers shall transmit the original GBL to the last line-haul carrier authorized to bill the charges for execution of the "Certificate of Carrier Billing" on the basis of the delivery documents and for billing of the charges. Carriers must not delay movement or delivery of Government shipments because they have not received the original GBL from the origin or interline carriers.

11. Sections 101-41.307-1 and 101-41.307-2 are revised as follows:

§ 101-41.307-1 Substitute document.

When the original GBL (SF 1103) or original personal property GBL (SF 1203) is lost or destroyed, the billing carrier must use the freight waybill (original) (SF 1105 or SF 1205), properly certified by the carrier, as a substitute document for billing charges. Execution of the "Certification of Carrier Billing" on the substitute document is not required for charges billed under the exception procedures in § 101-41.312.

§ 101-41.307-2 Certification of substitute document.

The billing carrier shall enter on the reverse side of the substitute document a properly executed certificate of delivery showing all information required in the "Certificate of Carrier

Billing" section on the face of SF 1103 or SF 1203.

12. Section 101–41.313–1 is amended by revising paragraph (a) as follows:

§ 101–41.313–1 GBL forms.

(a) Agencies may obtain supplies of the individual snapout GBL sets by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Agencies having facilities for computer preparation of GBL's may order them in continous fanfold format with pinfeed strips attached to the sides, but such forms must conform to all other specifications on the GBL, including overall size, wording, arrangement, color, construction, and grade of paper. Minor adjustments in spacing to accommodate differences in alignment of computer line printing are permissible, but all copies in the GBL sets must register from part to part. Agency orders for continuous fanfold GBL's shall be executed and processed in accordance with § 101–26.302 of this chapter. The National Capital Region, regional office of Federal Supply and Services, Supply Division (WFSI) Washington, D.C. 20407 of GSA maintains records of the serial numbers of all GBL and personal property GBL sets furnished and the names and mailing addresses of the receiving agencies.

* * * * *

13. Section 101–41.401 is amended by revising paragraph (d)(1) as follows:

§ 101–41.401 Payment upon presentation of bills.

* * * * *

(d) * * *

(1) For freight transportation (other than that excepted under § 101–41.312 of this part), the "Certificate of Carrier Billing" on the GBL has been properly executed by the carrier; and

* * * * *

14. Sections 101–41.4901–1103 through 101–41.4901–1112 are revised as follows:

§ 101–41.4901–1103 Standard Form 1103, U.S. Government Bill of Lading (Original).

(a) Page 1 of Standard Form 1103.

(b) Page 2 of Standard Form 1103.

Note.—The form illustrated in this § 101–41.4901–1103 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1103–A Standard Form 1103–A, U.S. Government Bill of Lading (Memorandum Copy).

Note.—The form illustrated in this § 101–41.4901–1103–A is filed with the original document and does not appear in this volume.

§ 101–41.4901–1103–B Standard Form 1103–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(a) Page 1 of Standard Form 1103–B.

(b) Page 2 of Standard Form 1103–B.

Note.—The form illustrated in this § 101–41.4901–1103–B is filed with the original document and does not appear in this volume.

§ 101–41.4901–1104 Standard Form 1104, U.S. Government Bill of Lading (Shipping Order).

Note.—The form illustrated in this § 101–41.4901–1104 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1105 Standard Form 1105, U.S. Government Freight Waybill (Original).

Note.—The form illustrated in this § 101–41.4901–1105 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1106 Standard Form 1106, U.S. Government Freight Waybill (Carrier's Copy).

Note.—The form illustrated in this § 101–41.4901–1106, is filed with the original document and does not appear in this volume.

§ 101–41.4901–1109 Standard Form 1109, U.S. Government Bill of Lading Continuation Sheet (Original).

Note.—The form illustrated in this § 101–41.4901–1109 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1109–A Standard Form 1109–A, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy).

Note.—The form illustrated in this § 101–41.4901–1109–A is filed with the original document and does not appear in this volume.

§ 101–41.4901–1109–B Standard Form 1109–B, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy-Consignee).

Note.—The form illustrated in this § 101–41.4901–1109–B is filed with the original document and does not appear in this volume.

§ 101–41.4901–1110 Standard Form 1110, U.S. Government Bill of Lading Continuation Sheet (Shipping Order).

Note.—The form illustrated in this § 101–41.4901–1110 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1111 Standard Form 1111, U.S. Government Freight Waybill Continuation Sheet (Original).

Note.—The form illustrated in this § 101–41.4901–1111 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1112 Standard Form 1112, U.S. Government Freight Waybill Continuation Sheet (Carrier's Copy).

Note.—The form illustrated in this § 101–41.4901–1112 is filed with the original document and does not appear in this volume.

15. Sections 101–41.4901–1203 through 101–41.4901–1206 are revised as follows:

§ 101–41.4901–1203 Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (Original).

(a) Page 1 of Standard Form 1203.

(b) Page 2 of Standard Form 1203.

Note.—The form illustrated in this § 101–41.4901–1203 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1203–A Standard Form 1203–A, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy).

Note.—The form illustrated in this § 101–41.4901–1203–A is filed with the original document and does not appear in this volume.

§ 101–41.4901–1203–B Standard Form 1203–B, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy-Consignee).

(a) Page 1 of Standard Form 1203–B.

(b) Page 2 of Standard Form 1203–B.

Note.—The form illustrated in this § 101–41.4901–1203–B is filed with the original document and does not appear in this volume.

§ 101–41.4901–1204 Standard Form 1204, U.S. Government Bill of Lading—Privately Owned Personal Property (Shipping Order).

Note.—The form illustrated in this § 101–41.4901–1204 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1205 Standard Form 1205, U.S. Government Freight Waybill—Privately Owned Personal Property (Original).

Note.—The form illustrated in this § 101–41.4901–1205 is filed with the original document and does not appear in this volume.

§ 101–41.4901–1206 Standard Form 1206, U.S. Government Freight Waybill—Privately Owned Personal Property (Carrier's Copy).

Note.—The form illustrated in this § 101–41.4901–1206 is filed with the original document and does not appear in this volume.

May 8, 1985.

Dwight Ink,

Acting Administrator of General Services.

[FR Doc. 85–17590 Filed 7–26–85; 8:45 am]

BILLING CODE 6820–AM–M

41 CFR Part 101-41

[FPMR Amdt. G-74]

Transportation Documentation and Audit: Revision of Standard Form 1169, U.S. Government Transportation Request

AGENCY: Office of the Comptroller, GSA.

ACTION: Final rule.

SUMMARY: This rulemaking amends the Federal Property Management Regulations (FPMR) Part 101-41 by changing the "CONDITIONS" section on the back of the Standard Form (SF) 1169, U.S. Government Transportation Request (GTR) (Original): (1) To incorporate a reference to the Code of Federal Regulations (CFR) as part of the contract of carriage, (2) to delete the non-discrimination clause reference to "Executive Order 11375" as the amending authority and substitute "as amended," and (3) to add a provision to advise the carrier industry that interest will be assessed on overcharges issued by the Office of Transportation Audits in connection with GTR procured travel. Incorporation of the CFR reference is to make clear that the CFR governs the use of the GTR. Specific reference to Executive Order 11375 is considered unnecessary because the basic document has been amended many times and the term "as amended" is considered sufficient for legal purposes. This revision incorporates interest assessment provisions on the GTR.

EFFECTIVE DATE: July 29, 1985.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits (202) 786-3014 or (FTS) 786-3014.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. This amendment expressly incorporates a reference (which was previously implied) to Title 41 of the Code of Federal Regulations (CFR) on the GTR. The regulation will now become a part of the contract of carriage which results when the GTR is utilized.

Background

A Notice of Proposed Rulemaking (NPRM) to revise the "Conditions" section of SF 1169 (GTR) was published in the **Federal Register** (FR) of April 10, 1984 (49 FR 14147).

Discussion of Major Comments

The following summarizes major comments, suggestions, and our determination and action taken.

No comments were received concerning the incorporation of a reference to the CFR and the deletion of the reference to "Executive Order 11375."

We received three timely comments to that portion of our NPRM adding interest assessment provisions to the Terms and Conditions section of SF 1169, two from carriers' associations (associations) and one from a Federal agency.

One association objected to GSA assessing interest on overcharges, arguing that the Debt Collection Act of 1982 (the Act), 31 U.S.C. 3716, et seq., provides for a waiver of interest payment, if the claim is paid by the debtor within thirty (30) days after the date from which interest accrues (31 U.S.C. 3717(d)). Both associations questioned the propriety of assessing interest from the voucher payment date. They contended that GSA has misapplied the Act by assessing interest from the voucher payment date instead of the date the notice of overcharge (claim) is mailed to the carrier (31 U.S.C. 3717(b)(2)). GSA's position is that under the contract terms of the revised GTR form, as provided in accordance with 31 U.S.C. 3717(g)(1), the contract terms of the revised GTR form and not 31 U.S.C. 3717(d) will apply as to interest on overcharges on transportation services whenever the revised GTR form is used. However, the provisions of 31 U.S.C. 3717(d) will apply when the old GTR form is used. Since the GTR, as revised in this rulemaking, explicitly fixes assessment of interest charges, it is specifically excepted from the interest and penalty provisions of the Act. See 31 U.S.C. 3717(g)(1). One association further alleged that our proposal violates the Administrative Procedure Act (5 U.S.C. 553), and does not comply with the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). GSA believes this rulemaking does not contravene the Administrative Procedure Act (5 U.S.C. 553), because of the exemption for Government contract matters in that Act (5 U.S.C. 553(a)(2)). Similarly this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 603(a)) since its applicability is subject to the contract exception provisions of 5 U.S.C. 553(a)(2).

The Federal agency, in endorsing the proposed rulemaking, noted that the rule would protect the Government when it is overcharged, because carriers now have free use of the Government's money for considerable periods of time.

We believe a question may exist as to the rate of interest intended to apply to specific overcharges under the Terms and Conditions statement specified in our NPRM. To make the interest rates intended specific, we have revised the interest statement by adding the italicized words. The interest statement will now read:

"Interest shall accrue from the voucher payment date on overcharges made hereunder and shall be paid at the same rate *in effect on that date as* published by the Secretary of the Treasury pursuant to the Debt Collection Act of 1982."

Exception to regulations. 41 CFR 101-11.806-1(a) states that any exception or deviation granted to a Standard form is voided when that Standard form is revised. Therefore, agencies that have been granted an exception to deviate from the regulations pertaining to SF 1169 (Revised 3-77) must refile for an exception with GSA (BWC), if they wish to continue their exception with this new revision of SF 1169.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

Title 41, Part 101-41 of the Code of Federal Regulations is amended as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for part 101-41 continues to read as follows:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

Subpart 101-41.49—Illustrations of Forms

2. Section 101-41.4901-1169 is revised and a new § 101-41.4901-1169-A is added to read as follows:

§ 101-41.4901-1169 Standard Form 1169, U.S. Government Transportation Request (Original).

(a) Page 1 of Standard Form 1169.

(b) Page 2 of Standard Form 1169.

§ 101-41.4901-1169-A Standard Form 1169-A, U.S. Government Transportation Request (Memorandum Copy).

(a) Page 1 of Standard Form 1169-A.

(b) Page 2 of Standard Form 1169-A.

Note.—The forms illustrated in §§ 101-41.4901-1169 and 101-41.4901-1169-A are filed with the original document and do not appear in this volume.

Dated: June 28, 1985.

Dwight Ink,

Acting Administrator of General Services.

[FR Doc. 85-17588 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 5 and 6

Freedom of Information Act and Privacy Act Fee Schedules

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is amending its fee schedules for processing Freedom of Information Act and Privacy Act requests.

EFFECTIVE DATE: August 28, 1985.

FOR FURTHER INFORMATION CONTACT: Linda Keener, FOIA/Privacy Specialist, (202) 646-3981.

SUPPLEMENTARY INFORMATION: A proposed rule to revise the fee schedule for processing Freedom of Information Act and Privacy Act requests was published on May 9, 1985, at 50 FR 19551. No comments were received. There is no change in this document from that published in the notice of proposed rulemaking.

This document is not a major rule within the term of Executive Order 12291, nor does it have a significant economic impact on a substantial number of small entities. Hence, no regulatory analyses have been prepared. It deals with administrative matters and has no impact on the environment, and is within categorical exemptions to the preparation of environmental documents required under 44 CFR Part 10. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 44 CFR Parts 5 and 6

Freedom of Imformation Act, Privacy Act.

Accordingly, 44 CFR Chapter 1, Subchapter A, is amended as set forth below:

PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

1. The authority citation for Part 5 is revised to read as follows:

Authority: 5 U.S.C. 552, Reorganization Plan No. 3 of 1978; and E.O. 12127.

2. In § 5.46, paragraphs (a)(1), (b)(1) and (b)(2) are amended by revising them to read as follows:

§ 5.46 Fee Schedule.

* * * * *

(a) *Reproduction Fees.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

(b) *Search Fee.* (1) The standard search fee for searches spent by employees in the GS-1 to GS-8 grade levels shall be $9.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

(2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate relevant records, the search fee for employees in the GS-9 to GS/GM-14 grade levels shall be $17.00 per hour or fraction thereof and the search fee for employees in the GS/GM-15 and above grade levels shall be $30.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

* * * * *

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

3. The authority citation for Part 6 is revised to read as follows:

Authority: 5 U.S.C. 552a, Reorganization Plan No. 3 of 1978; and E.O. 12127.

4. In § 6.85, paragraph (a) is amended by revising it to read as follows:

§ 6.85 Reproduction fees.

(a) For copies of documents reproduced on a standard office copying machine in sizes 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

Dated: July 16, 1985.

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 85-17840 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1601

By-Laws of the Legal Services Corporation

AGENCY: Legal Services Corporation.

ACTION: Final Rule; amendment.

SUMMARY: On March 22, 1985, the Legal Services Corporation published, for comment, the proposed amendments to its By-Laws. The comment period ended on April 22, 1985. No comments were received. On May 24, 1985, the Corporation's Board of Directors unanimously voted to adopt, as final, the proposed amendments. The amendments make two major changes to the By-Laws and six minor or technical changes to the By-Laws. The major changes regard the scheduling of meetings, the use of telephonic participation in meetings and special meetings, and emergency proceedings. Six minor changes have been made, including the term of Directors, compensation of Directors and the President of the Corporation, general notice of meetings, executive sessions, and public participation in meetings of the Board.

EFFECTIVE DATE: August 28, 1985.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Acting General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: Due to comments received by the Legal Services Corporation since September, 1984, the Board of Directors, after due deliberation, decided to republish the Corporation's By-Laws that had become effective on May 19, 1984. The By-Laws were republished for comment on January 4, 1985, at 50 FR 495. Comments were received and considered. On March 8, 1985, the Board, acting upon recommendations of its Operations and Regulations Committee, approved proposed amendments of the By-Laws. The proposed amendments were published for comment on March 22, 1985, 50 FR 11518. No comments were received. On May 24, 1985, the Corporation's Board of Directors voted, unanimously, to adopt, as final, the proposed amendments. The exact amendments are noted below on a section-by-section basis.

Section 1601.8(c)

The expiration date of Directors' terms has been amended. The date July 13, 1984, following the words "the terms of six Directors of the Board shall expire" is changed to July 13, 1987. This change is technical in nature. It recognizes that the date July 13, 1984, has passed and that Directors were not confirmed to fill vacant seats.

Section 1601.14 Compensation

The proposed amendment adds language that recognizes the fact that, presently, compensation of Directors is restricted by language in the appropriations acts under which the Corporation has been funded in recent years. The amendment further recognizes that future appropriations acts or authorizing acts may also contain restrictions on compensation of Directors not contained in the Legal Services Corporation Act of 1974, as amended.

Section 1601.15 Meetings

Three additions have been made, one technical and two substantive.

The technical addition adds the letter "s" to the word "agree" in the first sentence. This change reflects the proper English form of verbs following singular subjects.

Two new sentences have been added to § 1601.15(b). These sentences allow the Board, by majority vote, to reschedule a meeting in advance of the scheduled date of the meeting notice. Notice of such a change must be mailed to each Director at least twenty-one days before the rescheduled date or telegraphed at least fifteen days before such rescheduled date. The notice must specify the place, date, and hour of the rescheduled meeting.

A new paragraph (c) has been added to § 1601.15. This new paragraph allows Directors to participate in meetings by way of conference telephone if a quorum of the Directors are physically present at the meeting. Participation under this section must be by telephone conference call or by any means of communication by which all members of the board may hear one another and by which interested members of the public are able to hear and identify all persons participating in the meeting.

This section allows telephonic participation in all meetings. However, the safeguard of a physically present quorum is added to prevent possible abuse.

Section 1601.16 Special Meetings

The first sentence of this section has been deleted. The deletion reflects the addition of § 1601.15(c). Because of that addition, the first sentence of § 1601.16 is no longer necessary.

Section 1601.19(c)

The amendment provides that general notice of meetings must also be sent to program directors. This addition reflects the Corporation's present practice and is in response to comments received. It ensures that programs will receive timely notice of meetings.

Section 1601.22 Public Meetings; Executive Sessions

The words "to close a meeting or any portion of a meeting" in the first sentence has been replaced with the words "that consideration of a specific matter should be closed". This change is made in response to previous comments received by the Corporation regarding executive sessions. The change clarifies that consideration of specific matters may be closed under the Government in the Sunshine Act.

Section 1601.23 Public Participation

Two additions have been made. The sentence "The Board welcomes written and other communications from members of the public." has been added to the beginning of the section. The word "Other" has been added to the beginning of the last sentence of the section. Both changes respond to previous comments received and reflect the Board's desire to have public input at its meetings. The second change recognizes the Chairman's ability to allow members of the public to address the Board even if they have not been able to request to do so in writing.

Section 1601.24 Emergency Proceedings

This section has been entirely rewritten. Previous comments received expressed the opinion that the section, as originally passed, violated the Government in the Sunshine Act. Several commentators recommended the removal of disrupting members of the public if the disruption prevents the Board from conducting its business. The proposed amendment is the result of a combination of alternatives offered to the Board. The revised section allows the Board, by majority vote, to give the Chairman or presiding officer the authority to have disrupting members of the public removed from the meeting if in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of such members of the public present.

This proposed amendment give the Board the ability to conduct its business free of disruption while still obeying the letter and the spirit of the Government in the Sunshine Act.

Section 1601.38 Compensation

The words "Except as otherwise provided by Pub. L. 98–166 or subsequent legislation," have been added to the beginning of the section. This addition recognizes the additional restrictions on compensation of the President of the Corporation placed by the appropriations acts under which the Corporation has been operating and that future legislation may contain further restrictions not contained in the Legal Services Corporation Act of 1974, as amended.

List of Subjects in 45 CFR Part 1601

Administrative practice and procedure, Organization and functions (government agencies), Seals and insignias.

PART 1601—[AMENDED]

For the reasons set out above, 45 CFR Part 1601 is amended as follows:

1. The Authority citation for Part 1601 reads as follows:

Authority: Sec. 1008(e), 88 Stat. 387 (42 U.S.C. 2996g(e)).

§ 1601.8 [Amended]

2. Paragraph (c) of § 1601.8 is amended by removing the numeral "1984" after "the terms of six Directors of the Board shall expire on July 13," and inserting in its place the numeral "1987."

§ 1601.14 [Amended]

3. Section 1601.14 is amended by inserting the words "Except to the extent Legal Services Corporation is restricted by Pub. L. 98–166 and 98–411 or subsequent appropriation or authorizing acts," at the beginning of the section before the words "Directors shall be entitled".

§ 1601.15 [Amended]

4. Paragraph (b) of § 1601.15 is amended by adding the letter "s" to the word "agree" following the words "Directors of the Board" in the first sentence.

5. Paragraph (b) of § 1601.15 is further amended by inserting the sentences "In the event a majority of the members of the Board agrees to reschedule a meeting to a date in advance of the scheduled date for such meeting, notice of such rescheduling shall be mailed to each Director at least twenty-one days before the rescheduled date for such meeting or shall be telegraphed or delivered at least fifteen days before such rescheduled date. Every such

notice shall specify the place, date, and hour of the rescheduled meeting." after the last sentence of paragraph (b).

6. Section 1601.15 is further amended by adding a new paragraph (c) which reads as follows:

* * * * *

(c) If a quorum of the Directors are physically present at a meeting of the Board, other Directors may participate in a meeting of the Board by means of conference telephone or by any means of communication by which all persons participating in the meeting are able to hear one another and by which interested members of the public are able to hear and identify all persons participating in the meetings.

§ 1601.16 [Amended]

7. Section 1601.16 is amended by removing in its entirety the first sentence of the section.

§ 1601.19 [Amended]

8. Paragraph (c) of § 1601.19 is amended by inserting the words "and the program director" before the words "of every recipient." in the second sentence.

§ 1601.22 [Amended]

9. Section 1601.22 is amended by removing the words "to close a meeting or any portion of a meeting" before the words "to public observation" in the first sentence and inserting in their place the words "that consideration of a specific matter should be closed".

§ 1601.23 [Amended]

10. Section 1601.23 is amended by inserting the sentence "The Board welcomes written and other communication from members of the public." at the beginning of the section.

11. Section 1601.23 is further amended by inserting the word "Other" before the word "Members" in the last sentence of the section and by replacing the capital "M" in "Member" with a lower case "m".

12. Section 1601.24 is revised to read as follows:

§ 1601.24 Emergency proceedings

If, in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of any members of the public present at the meeting, the Directors may thereupon determine by a recorded vote of the majority of the number of Directors present at the meeting that the Chairman or presiding officer of the Board shall have the authority to have such members of the public who are responsible for such acts or conduct removed from the meeting.

§ 1601.38 [Amended]

13. Section 1601.38 is amended by replacing the initial capital "T" with a lower case "t" and inserting the words "Except as otherwise provided by Pub. L. 98–166, 98–411 or subsequent legislation," at the beginning of the section.

Dated: July 25, 1985.

Richard N. Bagenstos,

Acting General Counsel.

[FR Doc. 85–17931 Filed 7–26–85; 8:45 am]

BILLING CODE 6820–35–M

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45 CFR Part 1606

Procedures Governing Termination of Financial Assistance

AGENCY: Legal Services Corporation.

ACTION: Amendment of rule.

SUMMARY: The Corporation's regulation governing termination of financial assistance is amended to conform to the requirements of Pub. L. 98–411, the appropriations bill under which the Corporation is presently funded. The amendments change the time limits in the current rule to conform to the time limits mandated by the appropriations bill. The amendments are technical in nature. Because the amendments are mandated by an act of Congress, the changes merely bring the regulations into conformity with current law, and no comments are required. Therefore, the amendments shall become effective thirty days from publication.

EFFECTIVE DATE: August 28, 1985.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Acting General Counsel, (202) 272–4010.

SUPPLEMENTARY INFORMATION: Pub. L. 98–411, which appropriates the Corporation's funding for 1985, incorporated language from Pub. L. 98–166, which set new requirements for termination of financial assistance proceedings. The Corporation has been following the time limits established by Congress in practice. These technical amendments are adopted to conform the language of the rule to the mandate of Congress, and to the practice of the Corporation.

The appropriations bill requires that a request for a hearing shall be made within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding or suspend financial assistance and that the hearing shall be conducted within thirty days after receipt of such request for a hearing. The appropriations bill also requires that the Corporation make its final decision within thirty days after completion of the hearing.

These Congressional mandated require three changes in the existing regulation. The first amendment occurs in § 1606.4(b). The recipient is given thirty days within which to request a hearing after receiving the preliminary determination to defund. The second amendment occurs in § 1606.9(a). The time limit for setting the hearing is reduced from forty-five days to thirty days after the notice required by § 1601.6. Finally, § 1606.13(c) is amended to require the President to make his final decision within thirty days of the completion of the hearing.

Because these amendments are mandated by Congress, the Corporation has no discretion in amending its rules. Publishing the amendments in proposed form and soliciting comments thereon would be a meaningless exercise. Therefore, the technical amendments are being published in final form to become effective thirty days from date of publication.

List of Subjects in 45 CFR Part 1606

Administrative practice and procedure, Legal Services.

For the reasons set forth in the preamble, 45 CFR Part 1606 is amended as follows:

PART 1606—[AMENDED]

1. The Authority citation for Part 1606 continues to read as follows:

Authority: Sec. 1006(b) (1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996j), and Pub. L. 98–411.

§ 1606.4 [Amended]

2. Section 1606.4(b) introductory text is amended by removing the numeral "10" and inserting in its place the numeral "30" before the words "days of receipt of the preliminary determination".

§ 1606.9 [Amended]

3. Section 1606.9(a) is amended by removing the numeral "45" and inserting in its place the numeral "30" before the words "days after the notice required by § 1606.16".

§ 1606.13 [Amended]

4. Section 1606.13(c) is amended by removing the words "and normally within 30 days" and inserting in their place the words "but not later than 30

days after the completion of the hearing."

Dated: July 24, 1985.

Richard N. Bagenstos,

Acting General Counsel.

[FR Doc. 85-17930 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-35-M

45 CFR Part 1622

Public Access to Meetings Under the Government in the Sunshine Act

AGENCY: Legal Services Corporation.

ACTION: Final rule; amendment.

SUMMARY: On March 25, 1985, the Legal Services Corporation published proposed amendments to Part 1622 of its regulations for public comment. The comment period ended on April 24, 1985. No comments were received. On May 24, 1985, the Board of Directors unanimously voted to adopt the proposed amendments as final. Four amendments are made. Of these amendments only one, a revision of the section providing for emergency proceedings, makes a major, substantive change. The other three amendments are of a technical nature. The minor amendments provide for sending notice of meetings to program directors, deletion of the word "all" from the first sentence of paragraph (b) of § 1622.6, and reference to specific exemptions and a statement of reasons why specific discussions closed to public observation come within the cited exemption.

EFFECTIVE DATE: August 28, 1985.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Acting General Counsel (202) 272-4010.

SUPPLEMENTARY INFORMATION: On March 25, 1985, the Legal Services Corporation published proposed amendments to Part 1622 of its regulations for public comment. (50 FR 11740). No comments were received. On May 24, 1985, the Corporation's Board of Directors unanimously voted to adopt, as final, the proposed amendments to Part 1622 of the Regulations. The specific amendments are discussed on a section-by-section basis, below.

Section 1622.3 Open Meetings.

The amendment effects paragraph (c) of § 1622.3. The words "and the program director" are to be inserted after the words "governing body" in the two places these words appear in paragraph (c). This addition reflects the Corporation's present practice and is in response to previous comments received that expressed concern that unless notice was provided to the programs, the programs would not receive timely notice of meetings. This amendment ensures that timely notice is sent to programs.

Section 1622.6 Procedure for Closing Discussion or Withholding Information.

In paragraph (b) of § 1622.6 the word "all" has been removed after the words "A separate vote of". The deletion of the word "all" in the paragraph does not change the requirement that action closing a meeting or withholding information requires a recorded vote of a majority of all of the Directors of the Corporation. Here, the word "all" is removed to avoid a misinterpretation that a vote to close a meeting or withhold information may be defeated if one Director is unable to participate in the vote. Such an interpretation could result in an absudity. The amendment avoids the possible absudity. However, it does not relieve the Board of the responsibility of seeking the vote of every Director on the question.

In paragraph (e)(2) of § 1622.6, the words "together with" following the words "or series of meetings," has been replaced with the words "with reference to the specific exemption listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and". This change clarifies what information must be included in the full written explanation of the action closing the meeting. However, the new language does not add any additional requirement. The existing language is from the Government in the Sunshine Act. The legislative history of the Government in the Sunshine Act indicates that the written explanation requires references to specific exemptions, including a statement of reasons why the specific discussion comes within the cited exemption. Therefore, the change merely clarifies that which is already required.

Section 1622.9 Emergency Proceedings

This section has been completely revised. Previous comments received expressed the opinion the existing emergency proceedings provision violated the Government in the Sunshine Act. Many commentators stated that the disruptive members of the audience should be removed. The revised section allows the Board, by recorded vote of the majority of the Directors present, to authorize the Chairman or presiding officer of the meeting to cause disruptive members of the public to be removed from the meeting. This new provision enables the Board to conduct its meeting free from disruption, yet also follows the letter and spirit of the Government in the Sunshine Act.

List of Subjects in 45 CFR Part 1622

Legal services, Sunshine Act.

PART 1622—[AMENDED]

For the reasons set out in the preamble, 45 CFR Part 1622 is amended as follows:

1. The authority citation for Part 1622 continues to read as follows:

Authority: Sec. 1004(g), Pub. L. 95-222, 91 Stat. 1619, (42 U.S.C. 2996c(g)).

§ 1622.4 [Amended]

2. Paragraph (c) of § 1622.4 is amended by inserting the words "and the program director" after the words "counsel and the governing body" and after the words "meeting to the governing body".

§ 1622.6 [Amended]

3. Paragraph (b) of § 1622.6 is amended by removing the word "all" after the words "A separate vote of".

4. Paragraph (e)(2) of § 1622.6 is amended by removing the words "together with" following the words "or a series of meetings," and inserting in their place the words "with reference to the specific exemptions listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and".

5. Section 1622.9 is revised to read as follows:

§ 1622.9 Emergency Procedures.

If, in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of any members of the public present at the meeting, the Directors may thereupon determine by a recorded vote of the majority of the number of Directors present at the meeting that the Chairman or presiding officer of the Board shall have the authority to have such members of the public who are responsible for such acts or conduct removed from the meeting.

Dated: July 24, 1985.

Richard N. Bagenstos,

Acting Deputy General Counsel.

[FR Doc. 85-17929 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-35-M

45 CFR Part 1625

Denial of Refunding

AGENCY: Legal Services Corporation.

ACTION: Amendment of rule.

SUMMARY: The Corporation's regulation governing the denial of refunding is amended to conform with the requirements of Pub. L. 98–411, the appropriations bill under which the Corporation is presently funded. The amendments change the time limits in the current rule and shift the burden of proof in the proceedings to conform with the mandates of the appropriations bill. Because the amendments are mandated by an Act of Congress, the changes merely bring the regulations into conformity with current law, and no comments are required. Therefore, the amendments shall become effective thirty days from publication.

EFFECTIVE DATE: August 28, 1985.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Acting General Counsel, (202) 272–4010.

SUPPLEMENTARY INFORMATION: Pub. L. 98–411, which appropriates the Corporation's funding for 1985, incorporated language from Pub. L. 98–166, which set new requirements for denial of refunding proceedings. The Corporation has been following the time limits established by Congress in practice. These amendments are adopted to conform the language of the rule with the mandate of Congress, and the practice of the Corporation.

The appropriations bill requires that a request for a hearing shall be made within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding or suspend financial assistance and that the hearing shall be conducted within thirty days after receipt of such request for a hearing. The appropriations bill also requires that the Corporation make its final decision within thirty days after completion of the hearing.

The appropriations bill also mandates that the recipient bear the burden of proof in the hearing to show cause why refunding should not be denied.

These Congressional mandates require three changes in the existing regulation. The first amendment occurs in § 1625.4(b). The recipient is given thirty days within which to request a hearing after receiving the preliminary determination not to refund. The second amendment occurs in § 1625.9. This section is revised to place the burden of proof on the recipient as mandated by Congress. Finally, § 1625.11(c) is amended to require the President to make his final decision within thirty days of the completion of the hearing.

Because these amendments are mandated by Congress, the Corporation has no discretion in amending its rules. Publishing the amendments in proposed form and soliciting comments thereon would be a meaningless exercise. Therefore, these amendments are being published in final form to become effective thirty days from date of publication.

List of Subjects in 45 CFR Part 1625

Administrative practice and procedure, Legal Services.

For the reasons set forth in the preamble, 45 CFR Part 1625 is amended as follows:

PART 1625—[AMENDED]

1. The Authority citation for Part 1625 is revised to read as follows:

Authority: Sec. 1006(b) (1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996), and Pub. L. 98–411.

§ 1125.4 [Amended]

2. Section 1625.4(b) is amended by removing the numeral "10" and inserting in its place the numeral "30" before the words "days of receipt of the preliminary determination."

3. Section 1625.9 is revised as follows:

§ 1625.9 Burden of proof.

The recipient shall have the burden of showing cause why the Corporation's proposed action to deny refunding should not be taken.

§ 1625.11 [Amended]

4. Section 1625.11(c) is amended by removing the words "and normally within 10 days" and inserting in their place the words "but not later than 30 days after the completion of the hearing."

Dated: July 24, 1985.

Richard N. Bagenstos,

Acting General Counsel.

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