

for other one-family residences. Second, the listing included instructions on how to compute the high-cost limits for combination manufactured homes and lots and individual lots, and specified the special high-cost amounts for manufactured homes, combination manufactured homes and lots and individual lots insured in Alaska, Guam, and Hawaii. And, third, it made changes to the list based on a new definition of "metropolitan area."

On December 6, 1984 (49 FR 47657), May 8, 1985 (50 FR 19341), July 24, 1985 (50 FR 30154), and November 6, 1985 (50 FR 45993), the Department published amendments to the "high-cost" mortgage amounts that added additional areas and further increased the limits of several previously designated high-cost areas.

This Document

Today's document adds Mecklenburg County, North Carolina; Wake County, North Carolina; Bernalillo County, New Mexico; and Martin County, Florida to the list of high-cost areas.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists any changes for single family residences insured under sections 203(b), and 234(c) of the National Housing Act.

Accordingly, the Commissioner hereby amends the list of high-cost mortgage limits by adding the limits for Mecklenburg County, North Carolina; Wake County, North Carolina; Bernalillo County, New Mexico; and Martin County, Florida, as set forth in Part II of the following Table:

National Housing Act High-Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. Section 2(b)(1)(D). *Combination manufactured home and lot (excluding Alaska, Guam, and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by 80. For example, Mecklenburg County, North Carolina, has a one-family limit of \$85,000. The combination home and lot loan limit for Mecklenburg County is \$85,000 $\times$.80 or \$68,000.

B. Section 2(b)(1)(E). *Lot only (excluding Alaska, Guam, and Hawaii):* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Mecklenburg

County, North Carolina, has a one-family limit of \$85,000. The lot only loan limit for Mecklenburg County is \$85,000 $\times$.20, or \$17,000.

C. Section 2(b)(2). *Alaska, Guam, and Hawaii limits:* The maximum dollar limits for Alaska, Guam, and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1). Accordingly the

dollar limits for Alaska, Guam, and Hawaii are as follows:

1. For manufactured homes, \$56,700. (\$40,500 $\times$ 140%).
2. For combination manufactured homes and lots: \$75,600. (\$54,000 $\times$ 140%).
3. For lots only: \$18,900. (\$13,500 $\times$ 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area-Wide Mortgage Limits

REGION IV

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
HUD Field Office—Greensboro, NC:				
Mecklenburg County.....	\$85,000	\$95,750	\$116,350	\$134,250
Wake County.....	88,800	100,000	121,550	140,250
HUD Field Office—Coral Gables, FL:				
Martin County.....	76,000	85,600	104,000	120,000

REGION VI

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
HUD Field Office—Albuquerque, NM:				
Bernalillo County.....	\$90,000	\$101,300	\$122,650	\$142,650

Dated January 6, 1986.

Janet Hale,

General Deputy Assistant Secretary for
Housing-Deputy Federal Housing
Commissioner.

[FR Doc. 86-562 Filed 1-9-86; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

Prohibitions; Technical Amendments and Correction

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendments and correction.

SUMMARY: This document amends several cross references within 36 CFR Part 261, which sets forth rules on prohibited acts within the National Forests. The need for these changes arises from recodification of Part 223—Sale and Disposal of National Forest Timber to which there are several references in Part 261. It also corrects the authority citation for Part 261 which resulted from a typographical error that occurred in a final rule published April 15, 1985, at 50 FR 16231. This document also corrects a longstanding error in a cross reference to Part 222.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT:
Marian P. Connolly, Federal Register

Officer, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 235-1488.

SUPPLEMENTARY INFORMATION: This rule makes minor amendments to existing rules and, therefore, is not subject to regulatory review under E.O. 12291. The rule also has no impact on small entities and contains no information collection requirements.

Accordingly, Part 261 of Title 36 of the Code of Federal Regulations is hereby amended to read as follows:

PART 261—PROHIBITIONS

1. In the authority citation for Part 261, correct the third citation to the United States Code which now reads "[7 U.S.C. 101, (f)]" to read: "[7 U.S.C. 1011, (f)]".

§ 261.2 [Amended]

2. In § 261.2 in the fourth line of the definition of "Unauthorized livestock," revise the reference to § 222.20(b)(1) to read "222.20(b)(13)".

§ 261.6 [Amended]

3. In paragraphs (f) and (g) of § 261.6, revise the references to Part 223 so that the paragraphs read as follows:

(f) Selling or exchanging any timber or other forest product obtained under free use pursuant to §§ 223.5 through 223.11.

(g) Violating any timber export or substitution restriction in §§ 223.160 through 223.164.

§ 261.7 [Amended]

4. In paragraph (d) of § 261.7, revise the reference to § 262.2 to read "262.10".

Dated: January 2, 1986.

Peter C. Myers,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 86-592 Filed 1-9-86; 8:45 am]

BILLING CODE 3410-11-M

POSTAL SERVICE**39 CFR Part 961****Rules of Procedure Governing Hearings Under the Debt Collection Act**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Judicial Officer of the Postal Service hereby issues the rules of procedure governing the conduct of hearings under section 5 of the Debt Collection Act of 1982.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: Judge Joan B. Thompson, 202-268-2132.

SUPPLEMENTARY INFORMATION: Acting in accordance with authority delegated to him by 39 CFR 224.1(c)(4)(ii), the Judicial Officer of the Postal Service adopts 39 CFR 961, the rules of practice in proceedings relative to hearings conducted pursuant to section 5 of the Debt Collection Act of 1982, 5 U.S.C. 5514(a). The rules in this part apply to any hearing, conducted pursuant to 5 U.S.C. 5514(a), on the Postal Service's determination of the existence or amount of a debt owed to the Postal Service by a postal employee, or on the terms of the Postal Service's proposed debt repayment schedule. In addition, these rules, as appropriate, apply to a hearing conducted pursuant to 5 U.S.C. 5514(a) when an Administrative Law Judge or an Administrative Judge in the Judicial Officer Department is designated as the Hearing Official for a creditor Federal agency other than the Postal Service pursuant to an agreement between the Postal Service and that agency.

Accordingly, 39 CFR is amended by adding the following new Part 961:

PART 961—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO EMPLOYEE HEARING PETITIONS UNDER SECTION 5 OF THE DEBT COLLECTION ACT

Sec.

961.1 Authority for rules.

961.2 Scope of rules.

Sec.

961.3 Definitions.

961.4 Employee Petition for a hearing and Supplement to Petition.

961.5 Effect of Petition filing.

961.6 Filing, docketing and serving documents; computation of time; representation of parties.

961.7 Answer to Petition and Supplement to Petition.

961.8 Hearing Official authority and responsibilities.

961.9 Effect of Hearing Official's decision; motion for reconsideration.

961.10 Waiver of employee rights.

961.11 Ex parte communications.

Authority: 39 U.S.C. 204, 401; 5 U.S.C. 5514(a).

§ 961.1 Authority for rules.

These rules are issued by the Judicial Officer pursuant to authority delegated by the Postmaster General.

§ 961.2 Scope of rules.

The rules in this part apply to the hearing provided by section 5 of the Debt Collection Act of 1982, as amended, 5 U.S.C. 5514(a), on the Postal Service's determination of the existence or amount of an employee debt to the Postal Service, or of the terms of the employee's debt repayment schedule. In addition, these rules, as appropriate, apply to a hearing under section 5 of the Debt Collection Act when an Administrative Law Judge or an Administrative Judge in the Judicial Officer Department is designated as the Hearing Official for a creditor Federal agency other than the Postal Service pursuant to an agreement between the Postal Service and that agency.

§ 961.3 Definitions.

(a) "Employee" refers to a current employee of the Postal Service or another Federal agency who is alleged to be indebted to the Postal Service or another creditor Federal agency and whose hearing under section 5 of the Debt Collection Act is being conducted under these rules.

(b) "General Counsel" refers to the General Counsel of the Postal Service, and includes a designated representative.

(c) "Hearing Official" refers to an Administrative Law Judge qualified to hear cases under the Administrative Procedure Act, an Administrative Judge appointed under the Contract Disputes Act of 1978, or any other qualified person not under the control or supervision of the Postmaster General, who is designated by the Judicial Officer to conduct the hearing under section 5 of the Debt Collection Act of 1982, as amended, 5 U.S.C. 5514(a).

(d) "Judicial Officer" refers to the Judicial Officer or Acting Judicial

Officer of the United States Postal Service.

(e) "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act" refers to the formal written notice required by section 5 of the Debt Collection Act before involuntary collection deductions can be taken from an employee's salary.

(f) "Postmaster/Installation Head" refers to the Postal Service official who is authorized under the Postal Service Employee and Labor Relations Manual to make the initial determination of employee indebtedness and to issue the "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

(g) "Recorder" refers to the Recorder, Judicial Officer Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-6100.

§ 961.4 Employee petition for a hearing and supplement to petition.

(a) If an employee desires a hearing, prescribed by Section 5 of the Debt Collection Act, on the Postal Service's determination of the existence or amount of a debt, or on the involuntary repayment terms proposed by the Postal Service, the employee must file a written, signed petition with the Recorder, Judicial Officer Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-6100, on or before the fifteenth (15th) calendar day following the employee's receipt of the Postal Service's "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

(b) The hearing petition is to include the following:

(1) The words, "Petition for Hearing Under the Debt Collection Act," prominently captioned at the top of the first page;

(2) The name of the employee petitioner and the employee's work and home addresses, and work and home telephone numbers; or other address and telephone number where the employee may be contacted about the hearing proceedings;

(3) A statement of the date the employee received the "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act," and a copy of the Notice;

(4) A statement indicating whether the employee requests an oral hearing or a hearing based solely on written submissions;

(5) If the employee requests an oral hearing, a statement of the evidence he or she will produce which makes an oral hearing necessary, including a list of witnesses, with their addresses, whom

the employee expects to call; the proposed city for the hearing site, with justification for holding the hearing in that city; and recommended alternative dates for the hearing; which should be within 40 days from filing the Petition;

(6) A statement of the grounds upon which the employee objects to the Postal Service's determination of the existence or amount of the debt, or to the proposed offset schedule. This statement should identify and explain with reasonable specificity and brevity the facts, evidence, and legal arguments, if any, which the employee believes support his or her position;

(7) Copies of all records in the employee's possession which relate to the debt; and

(8) If an employee contends that the Postal Service's proposed offset schedule would result in a severe financial hardship on the employee and his or her spouse and dependents, an alternative offset schedule, and a statement and supporting documents indicating for the employee and his or her spouse and dependents for the one year preceding the Postal Service's notice and for the repayment period proposed by the employee in his or her alternative offset schedule, their total income from all sources; assets; liabilities; number of dependents; and expenses for food, housing, clothing, transportation, medical care, and exceptional expenses, if any.

(c) The employee may, if necessary, file with the Recorder, additional information as a Supplement to the Petition on or before the thirtieth (30th) calendar day following the employee's receipt of the Postal Service's "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

§ 961.5 Effect of Petition filing.

Upon receipt and docketing of the employee's Petition for a hearing, the Recorder will notify the Postmaster/Installation Head and the General Counsel that the Petition has been filed and that pursuant to Section 5 of the Debt Collection Act, a timely-filed Petition for a hearing stays further collection action.

§ 961.6 Filing, docketing and serving documents; computation of time; representation of parties.

(a) *Filing.* All documents relating to the Debt Collection Act hearing proceedings must be filed by the employee or the General Counsel with the Recorder. (Normal Recorder office business hours are between 8:15 a.m. and 4:45 p.m., eastern standard or daylight saving time as appropriate during the year.) The Recorder will transmit a

copy of each document filed to the other party, and the original to the Hearing Official.

(b) *Docketing.* The Recorder will maintain a docket record of Debt Collection Act hearing petition proceedings and will assign each employee Petition a docket number. After notification of the docket number, the employee and General Counsel should refer to it on any further filings regarding the Petition.

(c) *Time computation.* A filing period under the rules in this part excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

(d) *Representation of parties.* After the filing of the Petition, further document transmittals for, or communications with, the Postmaster/Installation Head or Postal Service shall be through their representative, the General Counsel, or, if an appropriate notice of appearance is filed, the General Counsel's designee. If a notice of appearance by an attorney authorized to practice law in any of the United States or the District of Columbia or a territory of the United States is filed in behalf of an employee, further transmissions of documents and other communications with the employee shall be made through his or her attorney rather than directly with the employee.

§ 961.7 Answer to Petition and Supplement to Petition.

If the employee's Petition states reasons to support the employee's position, within 15 days from notice of the Petition, the General Counsel shall file an Answer to the Petition, and attach all available relevant records and documents in support of the Postal Service's claim, and a list of witnesses the Postal Service intends to call if an oral hearing is granted. If the employee files a Supplement to the Petition, the General Counsel, within ten (10) calendar days from the filing of the Supplement with the Recorder must file any Supplemental Answer and records to support the position of the Postal Service.

§ 961.8 Hearing Official authority and responsibilities.

The Hearing Official shall provide a full and fair hearing. The proceedings must be expedited to ensure issuance of the final decision no later than 60 days after the filing of the employee's hearing Petition. The Hearing Official's authority includes, but is not limited to, the following:

(a) Ruling on all offers, motions or requests by the parties;

(b) Issuing any notices, orders or memoranda to the parties concerning the hearing proceedings;

(c) Using telephone conferences with the parties to expedite the proceedings. A memorandum of a telephone conference will be transmitted to both parties;

(d) Determining if an oral hearing should be held; and setting the place, date and time for the hearing or the taking of testimony by telephone conference;

(e) Administering oaths or affirmations to witnesses, and conducting the hearing in a manner to maintain discipline and decorum while assuring that relevant, reliable and probative evidence is elicited on the issues in dispute, but irrelevant, immaterial or repetitious evidence is excluded;

(f) Establishing the record in the case;

(g) Issuing the final decision orally or in writing no later than sixty (60) days after the filing of the employee's hearing Petition. When an oral decision is rendered, a written confirmation will thereafter be sent to the parties. The decision must include the determination of the amount and validity of the alleged debt and, where applicable, the repayment schedule. It should also include findings and reasons.

§ 961.9 Effect of Hearing Official's decision; motion for reconsideration.

The Hearing Official's decision shall be the final administrative determination on the employee's debt or repayment schedule. No reconsideration of the decision will be allowed unless a motion for reconsideration is filed by either party within 10 days from receipt of the decision and shows good reasons for reconsideration. Reconsideration will be allowed only in the discretion of the Hearing Official. A motion for reconsideration by the employee will not operate to stay the collection action authorized by the Hearing Official's decision.

§ 961.10 Waiver of employee rights.

The Hearing Official may determine the employee has waived his or her right to a hearing and the employee's pay shall be offset in accordance with the Postal Service's offset schedule, if the employee:

(a) Files a Petition for hearing after the end of the 15-day period allowed by the Act for filing the Petition, and fails to demonstrate to the satisfaction of the Hearing Official good cause for the delay;

(b) Has received notice to appear at an oral hearing but fails to do so without showing circumstances beyond the employee's control;

(c) Fails to file required submissions or to comply with orders of the Hearing Official, and the failure makes it difficult or impossible to hold the hearing or to issue the decision within the statutory time;

(d) Files a withdrawal of his or her Petition for a hearing with the Recorder.

§ 961.11 Ex parte communications.

Ex parte communications between a Hearing Official or his staff and a party shall not be made. This prohibition does not apply to procedural matters. A memorandum of any communication between the Hearing Official and a party will be transmitted to both parties.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 86-528 Filed 1-9-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-2952-5]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste (Final Exclusion for Watervliet)

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting a final exclusion for the solid waste generated at a particular generating facility from the lists of hazardous wastes contained in 40 CFR 261.31. This action responds to a delisting petition received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "generator-specific basis" from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at this facility from listing as hazardous waste under 40 CFR Part 261.

EFFECTIVE DATE: January 10, 1986.

ADDRESS: The public docket for this final exclusion is located in Room S-212, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: For general information, contact the

RCRA/Superfund Hotline, toll-free at (800) 424-9346, or (202) 382-3000. For technical information, contact Mr. David Topping, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4690.

SUPPLEMENTARY INFORMATION: On May 15, 1985, EPA proposed to exclude specific wastes generated by several petitioners, including Watervliet Arsenal, located in Watervliet, New York, (See 50 FR 20239).¹ The proposal to exclude Watervliet's waste was in response to a petition submitted by that company (pursuant to 40 CFR 260.20 and 260.22) to exclude their waste from hazardous waste control. In their petition, Watervliet argued that their wastes are non-hazardous based upon the criteria for which it was listed. The petitioner also provided information which enabled the Agency to determine whether any other toxicants are present in the wastes at levels of regulatory concern, and whether any other factors exist which would cause the waste to be hazardous. The purpose of today's notice is to make final the proposed exclusion for Watervliet's waste and to make that exclusion effective immediately. More specifically, today's rule allows this facility to manage this waste as non-hazardous. This exclusion will remain in effect unless the waste varies from that originally described in the petition (e.g., the waste is altered as a result of changes in the manufacturing or treatment processes).² In addition, the generator still is obliged to determine whether the waste exhibits any of the characteristics of a hazardous waste.

The Agency notes that the petition for which a final exclusion is granted in today's **Federal Register** has been reviewed for both the listed and non-listed constituents. As required by the Hazardous and Solid Waste Amendments of 1984, the Agency evaluated the waste for all factors which reasonably could cause the waste to be hazardous. The petitioner has demonstrated, through submission of raw materials data, test data on the four

¹ The May 15, 1985 notice also included proposed exclusions for the Mansfield Products Company in Mansfield, Ohio, and the Teledyne Monarch Rubber Company in Hartsville, Ohio. As stated in that notice, the Agency's final decision on these two petitions has been deferred, pending the results of a study on the health effects of nickel (see Appendix I to the May 15, 1985 notice). Since the study is not yet complete, the Agency continues to defer its final decision on these petitions.

² The current exclusion applies to the processes covered by the original demonstration. A facility may file a new petition if it alters its processes. Should such a process change occur, the facility must treat its waste as hazardous until a new exclusion is granted.

hazardous waste characteristics, etc., that the waste does not exhibit any of the hazardous waste characteristics and does not contain any other toxicants at levels of regulatory concern. The Agency, in its proposal to exclude the waste covered by this rule, provided the information necessary to evaluate these factors.

I. Watervliet Arsenal

A. Proposed Exclusion

Watervliet Arsenal (Watervliet) has petitioned the Agency to exclude their electroplating wastewater treatment sludge from EPA Hazardous Waste No. F006 based upon their demonstration that the constituents of concern are only present in essentially immobile forms. In addition, Watervliet submitted data on other, non-listed constituents which indicates that no other hazardous constituents are present in the waste at levels of regulatory concern. (See 50 FR 20244-20246, May 15, 1985, for a more detailed explanation of why EPA proposed to grant Watervliet's petition.)

B. Agency Response to Public Comment

The Agency received comments from two respondents, both of which addressed the possibility of ground water contamination at Watervliet. One respondent commented that the ground water monitoring data evaluated by the Agency was two years old and that the Agency, thus, had not considered more recent data which indicates elevated levels of specific organic compounds in the ground water.

The Agency disagrees with the respondent. The "more recent" ground water monitoring data was submitted by the petitioner and evaluated by the Agency. The Agency concluded that Watervliet's drying beds are not the source of ground water contamination since: (1) Contaminants were detected at higher levels in the upgradient well than in the downgradient wells; and (2) the organic compounds detected in the ground water are not used in the processes that produce the subject sludge. These observations support Watervliet's contention that the elevated level of the organic compounds in the upgradient well (SP-1) is the result of past vapor degreasing operations that were performed at the approximate location of the well. The Agency notes that the compounds detected in well SP-1 (chiefly halogenated solvents) are typically used in such operations. (Watervliet currently plans to further characterize the source of the compounds by installing additional ground water monitoring