performance of the agencies administering the law. No public comments were received with respect to the State of Oklahoma or Arlington County, Virginia.

With respect to Boston, only the Massachusetts Commission Against Discrimination (MCAD) submitted comments. MCAD supported Boston's request for substantial equivalency recognition, but raised the potential problem of overlapping jurisdiction involving MCAD and the Boston Fair Housing Commission. The comment concluded:

> MCAD strongly believes that the most effective mechanism for addressing these issues and problems is the execution of a tripartite Memorandum of Agreement involving HUD, MCAD and the BFHC. Until now, the execution of such an MOA was not possible because the BFHC had not been recognized as a substantially equivalent agency. With substantial equivalency recognition for the BFHC, the three agencies will have the capacity to create a comprehensive, formalized working relationship by means of an MOA. MCAD believes that the execution of a tripartite MOA would be significantly more effective than the execution of separate MOA's between HUD and each of the deferral agencies. A tripartite MOA will enable MCAD and the BFHC to work out dual-filing and other case processing arrangements with each other as well as with HUD. Furthermore, the existence of a single MOA will eliminate the potential for conflict and confusion resulting from the existence of two separate agreements.

HUD regulations (24 CFR 115.6(c)) require that the Department enter into a written agreement with Boston before substantial equivalency recognition can be granted. That has been accomplished. The three agencies may now work toward a tripartite agreement of the kind that MCAD has suggested.

This publication gives notice of the recognition of the State of Oklahoma; Boston, Massachusetts; and Arlington County, Virginia, in accordance with §115.6(c).

B. The Assistant Secretary has determined, after application of the criteria set forth in §115.3, that the fair housing laws for Danville, Illinois; Marion, Indiana; Boston, Massachusetts; St. Joseph, Missouri; and Rockland County, New York, on their face, provide rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Federal Fair Housing Act. However, the statutes in these jurisdictions (including Boston, at the time the determination was made) have not been in effect for a sufficient time to permit the enforcement agencies to demonstrate that they meet the performance standards described in §115.4.

This publication gives notice of HUD's entry into an agreement for interim referrals with Danville, Illinois; Marion, Indiana; Boston, Massachusetts; St. Joseph, Missouri; and Rockland County, New York, in accordance with § 115.11. The provisions of § 115.11 require that the agreements for interim referral with the State of Oklahoma and Boston, Massachusetts be terminated on the publication of recognition in accordance with § 115.6(c), as provided in paragraph A, above. (Announcement of the agreement for interim referrals with the State of Oklahoma was made on April 4, 1986 (51 FR 11577).)

Dated: October 3, 1986.

William E. Wynn,

Acting General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 86-22897 Filed 10-8-86; 8:45 am]

BILLING CODE 4210-28-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules Implementing the Equal Access to Justice Act

AGENCY: National Labor Relations Board.

ACTION: Final rules.

SUMMARY: On 15 May 1986, the National Labor Relations Board published revisions to its rules and regulations that were required by amendments to the Equal Access to Justice Act. These further revisions to the Board's rules and regulations state the new effective date of the Equal Access to Justice Act to cases before the Board and clarify one provision of the rules.

EFFECTIVE DATE: October 9, 1986.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (29 U.S.C. 156), and in accordance with the requirements of section 504(c)(1) of the Equal Access to Justice Act (5 U.S.C. 504(c)(1)), the National Labor Relations Board is revising its rules implementing the Equal Access to Justice Act governing the award of fees and other expenses to eligible parties who prevail in litigation before the Agency. In 1985, the Equal Access to Justice Act was amended with the changes in the Act made applicable to any case commenced after 1 October 1984. On 15 May 1986, the Board published in the **Federal Register** (51 FR 17732) revisions to its rules and regulations that were required by the amendments to the Equal Access to Justice Act and, in one instance, to conform language in the Board's rules to the statutory language.

As stated in the notice of proposed rulemaking (51 FR 30884), in issuing the 15 May 1986 revisions, the Board omitted changing the paragraph of its rules that sets forth the effective date of the Equal Access to Justice Act and retained the 30 September 1984 expiration date of the statute as originally enacted. In addition, one paragraph of the rules, which provides for the content of the application for an award, contains a less precise definition of the employee information required than is necessary to avoid any confusion with other provisions of the rules.

Following the publication of the Board's proposed revisions to its rules, no comments were submitted to the Board. In promulgating these rules, the Board has given due consideration to the model rules of the Administrative Conference of the United States (50 FR 46250) where appropriate.

Section 102.143(a) presently provides that the Board's rules implementing the Equal Access to Justice Act apply to cases pending before the Board between 1 October 1981 and 30 September 1984, the former expiration date of the Equal Access to Justice Act. The provision is revised to have the Board's rules applicable to all cases pending before the Board after 1 October 1984.

Section 102.147(a) presently states the requirements for the application for an award under the Equal Access to Justice Act. In setting forth the employee information that is required, paragraph (a) does not specify that the employee information is that of the applicant and its affiliates. Therefore, in order to conform this paragraph to § 102.143(g), which sets forth the eligibility of an applicant, § 102.147(a) is revised to include the specification that the employee information from the applicant's affiliates, as well as the applicant, must be included in the application.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Equal access to justice.

Accordingly, 29 CFR Part 102 is amended as follows:

PART 102—[AMENDED]

1. The authority citation for 29 CFR Part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. Section 102.143 is amended by revising paragraph (a) to read as follows:

§ 102.143 "Adversary adjudication" defined; entitlement to award; eligibility for award.

(a) The term "adversary adjudication," as used in this subpart, means unfair labor practice proceedings pending before the Board on complaint and backpay proceedings under §§ 102.52 to 102.59 of these rules pending before the Board on notice of hearing at any time after October 1, 1984.

* * * * *

3. Section 102.147 is amended by revising paragraph (a) to read as follows:

§ 102.147 Contents of application; net worth exhibit; documentation of fees and expenses.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the adversary adjudication for which an award is sought. The application shall state the particulars in which the applicant has prevailed and identify the positions of the General Counsel in that proceeding that the applicant alleges were not substantially justified. Unless the applicant is an individual, the application shall also state the number, category, and work location of employees of the applicant and its affiliates and describe briefly the type and purpose of its organization or business.

* * * * *

Dated: Washington, DC October 3, 1986.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 86-22874 Filed 10-8-86; 8:45 a.m.]

BILLING CODE 7545-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-86-04]

Drawbridge Operation Regulations; Milhomme Bayou, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the St. Martin Parish Policy Jury, the Coast Guard is changing the regulation governing the operation of the pontoon bridge over Milhomme Bayou, mile 12.0, at Stephensville, St. Martin Parish, Louisiana, to require that at least two hours advance notice be given for an opening during the hours from 10 p.m. to 6 a.m. and that the draw continue to open on signal from 6 a.m. to 10 p.m. Presently, the draw is required to open on signal at all times.

This change is being made because of infrequent requests to open the draw during the prescribed advance notice period. This action will relieve the bridge owner of the burden of having a person constantly available at the bridge between 10 p.m. and 6 a.m., while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on November 10, 1986.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (505) 589-2965.

SUPPLEMENTARY INFORMATION: On 4 August 1986, the Coast Guard published a proposed rule (51 FR 27877) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 11 August 1986. In each notice interested persons were given until 18 September 1986 to submit comments.

Drafting Information

The drafters of this regulation are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments

One letter was received in response to the notice, offering no objections to the proposal.

Economic Assessment and Certification

This regulation is considered to be non-major under executive order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this finding is the continuing decrease in navigation, with few vessels now passing this bridge during the advance notice period of 10 p.m. to 6 a.m. The few vessels involved can reasonably give advance notice by placing a collect call to the Stephensville Bridge between 6 a.m. and 10 p.m., telephone (504) 385-0350, or to the St. Martin Parish Sheriff's office at St. Martinville, Louisiana, between 10 p.m. and 6 a.m., telephone (318) 394-3071. From afloat, this contact may be made by radiotelephone through a public coast station. The mariners requiring the bridge openings are mainly repeat users of the waterway and scheduling their arrival at the bridge at the appointed time during the advance notice period will involve little or no additional expense to them. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

§ 117.481 [Redesignated as § 117.482]

2. Section 117.481 (Nezpique Bayou) is redesignated as § 117.482 and a new § 117.481 is added to read as follows:

§ 117.481 Milhomme Bayou.

The draw of the St. Martin Parish bridge, mile 12.0 (Landside Route) at Stephensville, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least two hours notice is given. During the advance notice period, the draw shall open on less than two hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

Dated: September 25, 1986.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 86-22908 Filed 10-8-86; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 430 and 433

45 CFR Part 201

[BPO-041-F]

Medicaid Program; Adjustment of Federal Share for Uncashed or Cancelled (Voided) Checks

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These final regulations require that a State agency refund to the Federal Government the Federal share of Medicaid checks issued by the State or its fiscal agent that remain uncashed 180 days after the date of issuance. In addition, we are requiring that the Federal share of cancelled (voided) Medicaid checks be refunded quarterly since there has been no expenditure by the State.

These regulations implement, in part, a 1981 General Accounting Office recommendation that procedures be established for States to credit the Federal Government for the Federal portion of uncashed Medicaid checks issued by the State or its fiscal agent.

EFFECTIVE DATE: These regulations are effective November 10, 1986.

FOR FURTHER INFORMATION CONTACT: David D. McNally, 301-597-1398.

SUPPLEMENTARY INFORMATION:

I. Background

On May 31, 1985, we published in the Federal Register, at 50 FR 23147, a Notice of Proposed Rulemaking (NPRM) to solicit comments on proposed changes to the regulations requiring that a State agency refund to the Federal government the Federal share of Medicaid checks issued by the State or its fiscal agent that remain uncashed 180 days after the date of issuance, and the Federal share of any interest earned on those funds. The proposed regulations also required that a State agency refund the Federal share of cancelled (voided) checks, plus the Federal share of any interest earned on those funds.

These revisions were proposed as a result of a 1981 General Accounting Office (GAO) study and recommendations included in a report entitled, *Improving Medicaid Cash Management Will Reduce Federal Interest Costs,* HRD-81-94. The study found that, in some cases, States held Federal Medicaid funds for unnecessarily long periods, enabling States to earn interest on funds that the Federal government had borrowed. In this report, GAO recommended that the Medicaid program establish uniform requirements for States to credit the Federal government for its portion of uncashed Medicaid checks.

On September 17, 1985, the Social Security Administration (SSA) published a final regulation (50 FR 37659) to incorporate revisions SSA proposed on February 22, 1983 (48 FR 7479). In order to not further amend SSA's regulations at 45 CFR 201.67 solely to add Medicaid provisions, and to keep our regulations on State fiscal administration in one location, we are placing our final rule at 42 CFR 433.40. We are making only necessary editorial changes and those resulting from comments, discussed below.

II. Response to Public Comments

In response to our request for public comments on the May 31, 1985 publication, we received nine letters from State agencies and one letter from an individual.

1. *Comment:* Three States opposed the requirement in the proposed regulations that States must refund the Federal share of any interest earned on uncashed or cancelled (voided) checks. The commenters believe that this requirement is contrary to the provisions and intent of section 203 of the Intergovernmental Cooperation Act (ICA), Pub. L. 90-577, which permits States to retain any interest earned on Federal funds pending disbursement for program purposes. A fourth State suggested that we use a specific, uniform method for computing interest.

Response: We agree with the commenters that section 203 of the ICA permits States to retain interest earned on Federal funds pending disbursement for program purposes. However, for Medicaid program purposes, a disbursement occurs when a State agency *issues* a check and Federal funds are claimed with respect to it. States now accrue interest on that amount until the check is cashed or voided. Therefore, once a check is issued by a State and Federal funds are claimed, we consider the funds to have been disbursed, and the Federal share of any interest earned during that period to be refundable to the Federal government in accordance with the regulations at 45 CFR 74.47(a).

Nevertheless, we are not requiring in the final rule that States return the Federal share of any interest earned on uncashed or cancelled (voided) checks because we have decided that this is an issue that is more appropriately addressed in the context of government-wide reform. The joint State-Federal Task Force on Cash Management, under the direction of the U.S. Treasury, is examining a variety of cash management policies that would govern all exchanges of funds between Federal and State governments, including a variety of requirements concerning interest payments on cash transfers. It would be inconsistent with the goals of the Task Force to implement these specific Medicaid requirements at this time.

2. *Comment:* One State recommended that uncashed checks be subject to the State's abandoned property statute because it would be easier to implement and administer than the method proposed in the regulations. Under their current claims processing system, the State is unable to link a payment check to the specific services furnished by a provider or the specific claim documentation. This makes it difficult to return the Federal share of an uncashed check or to issue replacement checks. Also, under the State's current claiming procedures, issuing replacement checks has no effect on the State's claim of Federal financial participation (FFP). Treating uncashed checks as abandoned property would: (1) Preclude the State from exchanging an uncashed check for a new check after expiration of the time period in the abandoned property statute, and (2) make the process of returning the Federal share easier to administer. Once the State reacquires a legal interest in the check under the abandoned property statute, the Federal funds can be returned outside the State's claims processing system.

Response: Although the system offered by the State would be easier for it to implement, it cannot be accommodated because it will allow the State to hold Federal Medicaid funds for unnecessarily long periods of time. As we stated in the preamble to the proposed rule, the purpose of our changes was to correct situations where States held Federal Medicaid funds for unnecessarily long periods of time, allowing States to earn interest on funds the Federal Government had borrowed. To improve our cash management practices, and to implement GAO recommendations, we proposed to