

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

18 CFR Parts 11, 13, and 375

[Docket No. RM83-57-001]

Payments for Benefits From Headwater Improvements

Issued: August 22, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.**ACTION:** Order granting rehearing for further consideration.

SUMMARY: On June 24, 1986, the Federal Energy Regulatory Commission issued a final rule governing the payments that are required to be made by certain beneficiaries of upstream headwater projects, pursuant to section 10(f) of the Federal Power Act, 16 U.S.C. 803(f) (1982).

In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration.

EFFECTIVE DATE: August 22, 1986.

FOR FURTHER INFORMATION CONTACT: Janet L. Oakley, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, DC 20426 (202) 357-5769.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt, and C.M. Naeve.

Order Granting Rehearing of Final Rule for Purpose of Further Consideration

On June 24, 1986, the Commission issued a final rule governing the payments that are required to be made by certain beneficiaries of upstream headwater projects, pursuant to section 10(f) of the Federal Power Act, 16 U.S.C. 803(f) (1982).¹ The rulemaking: (1) Establishes procedures for determining and assessing headwater benefits payments; (2) establishes a cap that limits headwater benefits charges to 85 percent of the actual value of energy grains; (3) adopts the energy gains method and generic formula for apportioning section 10(f) costs between headwater and downstream projects; (4) incorporates the separable cost/remaining benefits methodology historically used by the Commission for

allocating project costs; (5) waives headwater benefits payments for all projects with a generating capacity of 1.5 MW or less; and (6) exempts from the energy gains method: (a) Projects for which the Commission has approved headwater benefits charges pursuant to an existing coordination agreement; (b) projects for which headwater benefits charges have been established in a Commission-approved settlement; and (c) certain projects for which charges have been assessed prior to the effective date of the rule.

A timely request for rehearing of the final rule was filed by the City of Santa Clara, California (City). In order to provide sufficient time to consider the substantive issues raised in the City's rehearing request, the Commission is granting rehearing solely for the purpose of further consideration.

The Commission orders:

The request for rehearing filed by the City of Santa Clara, California is granted solely for the purpose of further consideration of the substantive issues raised. This action does not constitute a grant or denial, in whole or in part, of the rehearing request on the merits. Because this order is not a final order on rehearing, no responses to the request for rehearing will be entertained by the Commission. See 18 CFR 385.713(d) (1985).

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 86-19371 Filed 8-26-86; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

21 CFR Part 433

[Docket No. 85N-0373]

Antibiotic Drug Products for Over-the-Counter Human Use; Exemption From Certification*Correction*

In FR Doc. 86-15850, beginning on page 25523, in the issue of Tuesday, July 15, 1986, make the following correction:

§ 433.1 [Corrected]

On page 25524, second column, § 433.1(a) fifth line, after "case" insert "of".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary**

24 CFR Parts 44, 111, 203, 207, 236, 290, 511, 570, 571, 850, 880, 881, 882, 883, 884, 886, 941, 968, 970, 990

[Docket No. R-86-1255; FR-2075]

Implementation of the Single Audit Act of 1984 and OMB Circular A-128**AGENCY:** Office of the Secretary, HUD.**ACTION:** Final rule.

SUMMARY: This final rule adopts the interim rule for the implementation of the Single Audit Act of 1984 and OMB Circular A-128 which was published in the *Federal Register* of September 27, 1985 (50 FR 39083). The rule implements statutory and Executive direction concerning audit policy.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Steven A. Switzer, Assistant Inspector General for Audit, Office of Inspector General, Department of Housing and Urban Development, Room 8284, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-6364. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:**I. Background**

The Department published in the *Federal Register* of September 27, 1985 (50 FR 39083) an interim rule that implemented, with reference to HUD program authorities, the requirements of the Single Audit Act of 1984 and OMB Circular A-128. (For a discussion of the requirements of the Single Audit Act and OMB Circular A-128, see 50 FR 39083-85.) A correction notice for this rule was published in the *Federal Register* of October 15, 1985 (50 FR 41680). The Department determined that there was ample justification for making this rule effective without awaiting public comments. However, because the Department determined that public interest might be expressed with reference to the particular programs of HUD to which the rule was being made applicable, public comment was invited on the interim rule. The Department received one public comment, but no revision to the interim rule is necessary to respond appropriately to that comment.

¹ Payments for Benefits from Headwater Improvements, 51 FR 24 308 (July 6, 1986) (Order No. 453) (to be codified in 18 CFR Parts 11, 13, 375).