

(Sec. 107 and 301 of the Clean Air Act, as amended [42 U.S.C. 7407 and 7601])

List Of Subjects In 40 CFR Part 81

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

Dated: December 21, 1983.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-34225 Filed 12-23-83; 8:45 am]

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LEGAL SERVICES CORPORATION

45 CFR Part 1606

Procedures Governing Termination of Financial Assistance and Denial of Refunding; Definitions

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the definition of termination. It is needed to establish that certain offsets against a recipient's grant checks do not constitute a termination. Its effect would be to allow the Corporation to offset part of a recipient's monthly check or checks to recover outstanding fund balances or audit disallowances from previous years' grants.

DATES: Comments must be received on or before January 26, 1984.

ADDRESS: Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: The amending language is deemed necessary in light of the recent litigation in *East Arkansas Legal Services v. Legal Services Corporation, et al.*, U.S. District Court for the District of Columbia, Civil Action No. 83-2813 (Judge June Green), decided October 4, 1983, *nunc pro tunc* September 30, 1983. The District Court issued a permanent injunction and a declaratory judgment that the scheduled offset (as now stated in the proposed amending language) against 1983 grant monies to recoup FY 1982 "carryover fund balances" constituted a "termination" under § 1606.2, despite the recipient's acceptance of the funds subject to a grant condition incorporating L.S.C. Instruction 83-1, which became effective February 4, 1983. Under the Court's ruling, these FY 1982 excess funds could not be recaptured by the Corporation during

1983. This amendment is designed to make it clear that such recapture of outstanding fund balances in 1984 in the absence of a determination to permanently reduce annualized funding does not constitute a "termination."

List of Subjects in 45 CFR Part 1606

Legal services.

PART 1606—[AMENDED]

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

The authority citation for Part 1606 is revised to read as follows:

Authority: Section 1006(b) (1) and (3), 1007(a) (1), (3), and (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].

Section 1606.2(a) is revised to read as follows:

§ 1606.2 Definitions.

(a) "Termination" means a decision that financial assistance to a recipient will be permanently terminated in whole or in part prior to expiration of the recipient's current grant or contract; an offset against one or more of a recipient's payments from the Corporation for the purpose of recovering disallowed costs or carryover fund balances from previous grants or contracts shall not constitute a termination.

Dated: December 15, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83-34274 Filed 12-23-83; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1105 and 1152

[Ex Parte No. 274; Sub-12]

Rail Abandonments; Public Use Condition

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In a recent decision exempting a carrier from the abandonment statute we announced that specific information must be submitted to provide an adequate basis on which the Commission can determine whether to impose a public use condition. The same information appears to be needed in abandonment

proceedings filed pursuant to section 10903. Accordingly, before we will impose a public use condition under 49 U.S.C. 10906 in an abandonment proceeding, the party seeking those conditions must show why the conditions are of sufficient public importance to justify the burden which would be imposed upon the railroad. Thus, we propose to require the following information in writing: (1) The condition sought; (2) the public importance of the condition; (3) the period of time for which the condition would be effective; and (4) justification for the imposition of the time period. A copy of the request shall be mailed to the applicant

DATE: Comments are due by January 16, 1984.

ADDRESS: An original and 10 copies of any comments should refer to Ex Parte No. 274 (Sub-No. 12), and should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245

or

Wayne Michel, (202) 275-7657.

SUPPLEMENTARY INFORMATION: We propose to modify our regulations regarding imposition of a condition by amending 49 CFR 1152.28 and 49 CFR 1105.11 Appendix.

We propose to establish specific informational requirements for persons seeking the imposition of a public use condition pursuant to 49 U.S.C. 10906.

Under 49 U.S.C. 10906, when abandonment of a rail line is authorized under 49 U.S.C. 10903, the Commission shall further find whether the rail properties are suitable for other public purposes. If the Commission finds those properties suitable for public purposes, the properties may be sold, leased, exchanged, or otherwise disposed of only under the conditions provided for in the Commission's decision. The conditions may include a prohibition on disposal "for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered on reasonable terms, for sale for public purposes."¹

In a recent decision exempting a carrier from the abandonment statute we announced that specific information must be submitted to provide an

¹ In a notice in Ex Parte No. 274 (Sub-No. 2), *Expediting Rail Abandonments-Public Use Condition* (not printed), served February 7, 1980, the time period for the public use conditions under section 10906 was clarified.