

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of its intent to adopt the following amendment to Chapters 60, 61 and 64 of Title 14 DCMR in not less than twenty-one (21) days from the date of publication of this notice in the D.C. Register, in order to comply with the requirements of the U.S. Department of Housing and Urban Development's Voluntary Compliance Agreement with the DCHA. The proposed amendments contain the rules governing admissions and occupancy of public housing units designed and designated for occupancy by the mobility impaired.

**Proposed Amendment:** Chapter 61, Admissions and Recertification, is amended by adding a Section 6199 "Definitions" as follows:

"6199. Definitions

6199.1 When used in this chapter, the following words and terms shall have the meaning ascribed:

**Reasonable Accommodation Unit**—A dwelling unit modified to include certain accessibility features in accordance with the requirements of that certain Amended Voluntary Compliance Agreement by and between the DCHA and the U.S. Department of Housing and Urban Development, dated May 1, 2006.

**UFAS Accessible Unit**—A dwelling unit that is constructed in accordance with the Uniform Federal Accessibility Standards.

**Uniform Federal Accessibility Standards (UFAS)**—Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR Part 8 and the addendums thereto. "

**Proposed Amendment:** Chapter 61, Admissions and Recertification, is amended and restated in whole by replacing existing Subsection 6112 with the following provisions:

"6112 Tenant Selection and Assignment: Families with Mobility Disabilities

6112.1 In the selection of a family to occupy a UFAS-Accessible Unit, as such units become available in the appropriate bedroom size in DCHA-owned properties, DCHA shall offer the UFAS-Accessible Unit to a family that is qualified for the available bedroom size of the Unit and has a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of application or transfer request where there are multiple applicants within any one priority:

- (a) First, to any current resident requesting, and eligible for, a transfer to a UFAS-Accessible Unit;
- (b) Second, to an applicant household eligible for a UFAS-Accessible Unit in, which applicant is designated for interim assistance under the terms of DCHA's Amended Voluntary Compliance Agreement with the U.S. Department of Housing and Urban Development, dated May 1, 2006, hereinafter referred to as the Amended VCA.
- (c) Third, to the next applicant household eligible for a UFAS-Accessible Unit;

6112.2 In the selection of a family to occupy a Reasonable Accommodation Unit, as such units become available in the appropriate bedroom size in DCHA-owned properties, DCHA shall offer the Reasonable Accommodation Unit as follows, based on the earliest date and time of application:

- (a) First, to the next applicant household of the appropriate size, whose application indicates a household member is mobility impaired and uses a walker, crutches or cane and is qualified for a Reasonable Accommodation Unit;
- (b) Second, if there is not an eligible, qualified applicant under 6112.2(a) above who wishes to reside in the available Reasonable Accommodation Unit, then it will be offered to an applicant household of the appropriate size, whose application indicates a household member is mobility impaired and uses a walker, crutches or cane, but who does not need the accessible features of the unit.

6112.3 If a UFAS-Accessible Unit or a Reasonable Accommodation Unit are vacant for a period of more than thirty (30) days, and there are no families with mobility disabilities requesting a reasonable accommodation for a mobility impairment on the transfer or waiting lists, then DCHA may offer the unit to an applicant who does not need the accessibility features of the unit.

6112.4 Households electing to occupy either a UFAS-Accessible Unit or a Reasonable Accommodation Unit that do not require the accessibility features of the unit, will be required to execute a Special Supplement to the Lease that legally obligates the household to relocate to a vacant unit of the appropriate size without accessibility features within ten (10) days of written notice from DCHA that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

**PROPOSED AMENDMENT:** Chapter 61, Tenant Admissions and Occupancy: Redeveloped and Special Needs Properties, SubSections 6113.1, 6113.2, 6113.3 and 6113.6 are amended and restated in whole as follows:

"6113.1 Definitions. Redeveloped Properties are mixed-finance communities owned by private entities which communities are created through HOPE VI or other public funding combined with private financing, which have some or all of their units assisted by operating funds provided by DCHA. Special Needs Properties are DCHA owned-or privately owned units assisted with operating funds provided by DCHA and managed by service providers for residents with special needs."

"6113.2 Overview. Redeveloped Properties and Special Needs Properties because of the unique nature of their substantial private funding and/or private ownership or management have admissions and occupancy rules that are tailored to the particular property, type of occupancy and need to coordinate with other supportive service programs. This Section 6113 sets forth the regulatory framework for the property based rules and ongoing DCHA oversight or approvals governing occupancy and re-occupancy, selection criteria, screening criteria, application processing, waiting lists, lease provisions, income determinations and grievance procedures. DCHA pursuant to the MTW Agreement entered into with the U.S. Department of Housing and Urban Development, dated July 25, 2004, provides that DCHA may, notwithstanding certain provisions of the Housing Act of 1937 and regulations issued pursuant thereto, adopt local rules for the governance of its public housing and housing choice voucher programs. Thus, this Section 6113, in each of the areas identified hereinabove, for all properties officially designated as Redeveloped or Special Needs Properties by the Board of Commissioners are the applicable rules therefore."

"6113.3 Selection Criteria

- (a) The selection criteria, including all priorities and preferences for applicants for initial occupancy following construction and re-occupancy upon vacancy of units at Redeveloped or Special Needs Properties that are receiving operating subsidies from DCHA, are those incorporated in a regulatory and operating agreement by and between the owner and DCHA after consultation with representatives of the community and current, former and/or prospective residents. These selection criteria are referred to hereinafter as the "General Selection Criteria".
- (b) While the General Selection Criteria may vary by property, selection and screening criteria for all properties shall include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute, including certain types of illegal drugs and registration as a sex offender
- (c) For UFAS-Accessible Units, besides the General Selection Criteria, occupancy of the Units shall be to a household qualified for the available bedroom size of the Unit and a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of application or transfer request where there are multiple applicants within any one priority:
  - (1) First, to a qualified returning resident who previously resided in one of the developments being redeveloped;

- (2) Second, to a qualified applicant referred by DCHA from its list of households designated in 2006 for interim assistance in accordance with the provisions of the Amended VCA;
- (3) Third, to a qualified applicant referred by DCHA from its list of households designated in 2007 for interim assistance in accordance with the provisions of the Amended VCA;
- (4) Fourth, to a qualified DCHA resident on DCHA's Transfer List;
- (5) Fifth, to a qualified public housing applicant on DCHA's Waiting List;
- (6) Sixth, to a qualified Housing Choice Voucher applicant."

"6113.6 Lease Terms. Leases for Redeveloped Properties or Special Needs Properties may be developed and used by the owner or manager, subject to the approval of DCHA for compliance with applicable local and federal provisions as well as DCHA's regulations, including the requirements regarding Special Supplements to Lease governed by the provisions of Section 6112.4 of this Title 14. Provisions relating to rent, rent collection, security deposits, excess utility charges, and such other provisions as DCHA may approve, may vary from the DCHA standard form of lease."

**PROPOSED AMENDMENT:** Title 14, Chapter 64, Public Housing Transfer Policy is amended to amend and restate in whole Subsections 6400.2, 6400.4, Paragraph (f) of Subsection 6401.1, and Subsection 6410 and to add a new Subsection 6401.10 as follows:

"6400.2 It is DCHA's policy that transfers of residents will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can request transfers to accommodate a verified disability."

"6400.4 Applications for a transfer must be made to the resident's property manager, but all paperwork, verification and unit assignments shall be made by the Director of Housing Management, except in the case of a resident request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Program and the Client Placement Division.

6401.1 "(f) To permit occupancy of a unit with accessibility features by a resident or applicant with a verified need for such a unit, by transferring the current occupant (s) that do not have a verified need for such a unit;"

"6401.10 DCHA shall relocate to a vacant, non-accessible unit within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit and who is subject to a mandatory transfer under 6401.1(f) herein."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than twenty-one (21) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at that same address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT  
COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS  
TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Pursuant to D.C. Code Section 10-1141.6,<sup>3</sup> WGL filed with the Commission an updated Rights-of-Way Surcharge Rider ("ROW") on July 25, 2006.<sup>4</sup> In the proposed tariff, WGL shows the process to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government. Specifically, WGL proposes to amend the following page:

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**  
**Section 22**  
**2<sup>nd</sup> Revised Page 56**

3. WGL asserts that its Rights-of-Way Surcharge will become effective commencing with the August 2006 billing cycle.<sup>5</sup> WGL's proposed tariff shows that the current ROW factor is 0.0312 with a reconciliation amount of 0.0007 for the prior period, which yields a net factor of 0.0319.<sup>6</sup>

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<sup>1</sup> D. C. CODE § 2-505 (2005 Supp.).

<sup>2</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2") Surcharge Filing of Washington Gas Light Company, ("Surcharge Filing"), filed July 25, 2006.*

<sup>3</sup> D. C. CODE § 10-1141.06 (2001) (stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.")

<sup>4</sup> *GT00-2, Surcharge Filing at 1.*

<sup>5</sup> *GT00-2, Surcharge Filing at 1.*

<sup>6</sup> *Id.* at 2.

4. The proposed tariff may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the proposed tariff are available upon request, at a per-page reproduction cost.

5. Comments on this proposed tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days from the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action on WGL's filing. The Commission does not intend to prevent WGL from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

TT00-5, IN THE MATTER OF VERIZON WASHINGTON, DC INC.'S PUBLIC SPACE  
OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code, of its intent to act upon the proposed tariff of Verizon Washington, DC Inc., ("Verizon")<sup>1</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Pursuant to D.C. Code Section 10-1141.6, Verizon filed with the Commission an updated Public Space Occupancy Surcharge Rider ("PSOS") on August 3, 2006. In the tariff filing, Verizon explains the process for recovering from its customers the D.C. Public Rights-of-Way ("ROW") fees paid by Verizon to the District Columbia Government. Specifically, Verizon proposes to amend the following tariff page:

**GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201**  
**Section 1A**  
**Original Page 2**

3. As indicated by Verizon DC, the updated calculations are based on an increase to the ROW fee approved by the Council of the District of Columbia ("D.C. Council") in Bill 16-729, the "2007 Budget Support Act of 2006" on July 11, 2006.<sup>2</sup> Verizon asserts that the D.C. Council established July 1, 2006 as the effective date of the increase. Verizon DC also states that it proposes to implement the change on October 1, 2006 by increasing the ROW surcharge by \$0.04 per Centrex line and \$0.33 per Non-Centrex line. Finally, Verizon contends that these changes will incorporate both the ROW increase and the three-month implementation delay.

4. This filing may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. A copy of the proposed tariff page is available upon request at a per-page reproduction cost.

<sup>1</sup> Telephone Tariff No. 00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff ("TT00-5"), P.S.C.-D.C. No. 201, filed August 3, 2006, ("Verizon tariff").

<sup>2</sup> TT00-5, Verizon tariff at 1.

5. Comments on Verizon's proposed tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action on Verizon's filing. The Commission does not intend to prevent Verizon from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, Verizon may be subject to a reconciliation of the surcharges.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
CORRECTED REVISED NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 06-06  
(Charter Schools Text Amendments)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2001 ed.)), hereby gives notice of its intent to amend §§ 199, 206, 400, 401, 403, 501, 601, 701, 901, and 2101 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would change the definition of "Schools, public" in the Zoning Regulations to include Charter Schools, amend the building height, lot area, lot width, and lot occupancy requirements for public schools in Residence Districts, exempt public schools with 16 or less students from lot dimension requirements, allow collocation of school uses with other uses and sharing of recreation facilities, permit schools in Residence Zones not meeting the proposed requirements to be allowed as special exceptions, allow public schools in SP, CR, and W Zone Districts, amend FAR limits for public schools in Commercial Districts, and create parking standards for preschools.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The publication of a corrected notice is required because the Revised Notice of Proposed Rulemaking, published on July 21, did not include text changes suggested by the Office of Planning in its report dated May 1, 2006, and at the May 13, 2006 public hearing, and which the Commission approved when it took proposed action on July 10, 2006. Those changes consisted of: (1) removing minimum lot area requirement for public schools in the R-5-C, R-5-D, and R-5-E zones; (2) lowering minimum the lot width requirement for public schools to 80 feet in all R-5 zones; and (3) treating public schools as residential uses for purposes of calculating FAR in commercial (C) zones.

When the Commission takes final action to approve the proposed text, it will consider comments made in response to the Notice of Emergency and Proposed Rulemaking published on March 17, 2006 the Revised Notice of Proposed Rulemaking published on July 21, 2006, all testimony received in the record of its public hearing for this case, and comments made in response to this Corrected Revised Notice of Proposed Rulemaking.

The following rulemaking action is proposed:

Title 11 DCMR is amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown underlined:

A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended as follows:

**School, public** - A building or use within a building operated ~~and maintained~~ or chartered by the District of Columbia Board of Education or the District of Columbia

Public Charter School Board for educational purposes and other such community uses as deemed necessary and desirable.

B. Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows,

1. By amending § 201.1(k) to read as follows:

(k) Public school, subject to the provisions of chapter 21 of this title; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school.

2. By amending § 206 to read as follows:

206 PUBLIC AND PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

206.2 The school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

C. Chapter 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows:

1. By amending §§ 400.10 and 400.11 to read as follows:

400.10 In an R-1, R-2, R-3, and R-4 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft).

400.11 In an ~~R-3, R-4~~, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft).

2. By amending the table in § 401.3 to read as follows:

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ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
<u>R-1-A</u> Public School	<u>15,000</u>	<u>120</u>
R-1-A All <u>other</u> structures	7,500	75
<u>R-1-B</u> Public School	<u>15,000</u>	<u>120</u>
R-1-B All <u>other</u> structures	5,000	50
<u>R-2</u> Public School	<u>9,000</u>	<u>120</u>
R-2 One-family semi- detached dwelling	3,000	30
R-2 All other structures	4,000	40
<u>R-3</u> Public School	<u>9,000</u>	<u>120</u>
R-3 Row dwelling	2,000	20
R-3 One-family semi- detached dwelling	3,000	30
R-3 All other structures	4,000	40
<u>R-4</u> Public School	<u>9,000</u>	<u>120</u>
R-4 Row dwelling and flat	1,800	18
R-4 One-family semi-	3,000	30

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detached dwelling		
R-4 Conversion to apartment house	900/apartment or bachelor apartment	None prescribed
R-4 All other structures	4,000	40
<u>R-5-A Public School</u>	<u>9,000</u>	<u>80</u>
R-5-A All other structures	As prescribed by the Board pursuant to § 3104	As prescribed by the Board pursuant to § 3104
<u>R-5-B Public School</u>	<u>9,000</u>	<u>80</u>
<u>R-5-C, R-5-D, R-5-E Public School</u>	<u>None prescribed</u>	<u>80</u>
R-5-B, R-5-C, R-5-D, R-5-E All other structures	None prescribed	None prescribed

3. By adding new §§ 401.8 through 401.11 to read as follows:

401.8 For public schools minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.

401.9 For public schools on a corner lot or through lot, minimum lot width may include the measurement of all street frontages.

401.10 For public schools on split-zoned lots, the minimum lot width and minimum lot area requirements if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.

401.11 Public schools limited to no more than sixteen (16) students shall not be subject to the lot dimensions requirements of this section.

4. By amending § 403.1 to read as follows:

403.1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in §403.2; provided, that the portion of the building excluding closed courts exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level. In the R-2, R-3, and R-4 zones, the total lot occupancy should not exceed 70 percent.

D. Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended by adding a new §501.1(i) to read as follows:

(i) Public School, subject to the provisions of chapter 21 of this title.

E. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding a new §601.1(u) to read as follows:

(u) Public School, subject to the provisions of chapter 21 of this title.

F. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

1. By amending the heading of the table in § 771.2 to read as follows:

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE <u>OR PUBLIC SCHOOL</u>	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)

2. By adding a new § 771.10 to read as follows:

771.10 In a C-1 District, the maximum floor area ratio requirements may be increased for specific public school buildings or structures, but shall not exceed the floor area ratio 1.8.

G. Chapter 9, WATERFRONT DISTRICTS, is amended by adding a new § 901.1(v) to read as follows:

(v) Public School, subject to the provisions of chapter 21 of this title.

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H. Chapter 21, OFF STREET PARKING REQUIREMENTS, is amended by adding the following to the chart found in § 2101.1:

<b>SCHOOLS</b>	
<u>Pre-elementary schools and pre-kindergarten schools or facilities:</u>	<u>2 for each 3 teachers and other employees</u>

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.