

41 CFR Part 101-11

[FPMR Amdt. B-56]

Changes in the Annual Summary of Records Holdings Report**AGENCY:** National Archives and Records Service, GSA.**ACTION:** Final rule.

SUMMARY: The General Services Administration is amending its regulations to delete the requirement for Federal agencies to certify on Standard Form 136, Annual Summary of Records Holdings, the status of their records control schedules and to clarify that the summary report should include the volume of agency records in the physical custody of private businesses or firms (contractors). This information collection was reassessed during fiscal year 1982 and recommendations were made to reduce the burden and cost associated with the requirements of the National Archives and Records Service. The Office of Management and Budget recently approved the request submitted by the General Services Administration for reinstatement of this information collection. Standard Form 136 has been revised to delete the certification section and to eliminate the reporting of certain data on summary reports submitted to the National Archives and Records Service.

EFFECTIVE DATE: December 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Linda N. Brown, Acting Assistant Archivist for Federal Records Centers (202-724-1614).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-11

Advisory committees, Archives and records, Classified information, Freedom of Information, Government property management, Interagency reports,

Micrographics, National Archives and Records Service, Privacy, Records and information management, Word processing.

PART 101-11—RECORDS MANAGEMENT

1. The authority citation for Part 101-11 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 406(c)).

2. Section 101-11.102-7 is revised to read as follows:

§ 101-11.102-7 Annual summary of records holdings.

Each Federal agency shall submit to the National Archives and Records Service within 30 days after the close of each fiscal year a summary of its records holdings, including the volume of agency records in the physical custody of private businesses or firms (contractors), on Standard Form 136, Annual Summary of Records Holdings (see § 101-11.4901). Instructions for preparing the report are on the reverse side of the form. A separate Standard Form 136 shall be submitted for each agency, bureau, service, or other organizational unit to which the National Archives and Records Service has assigned a record group number. If an organizational unit lacks such a number, its holdings shall be included with the next higher level having an assigned record group number. This report has been approved in accordance with § 101-11.11 and assigned Interagency Report Control Number 1094-GSA-AN. OMB Approval Number 3090-0031 is also assigned to this report.

3. Section 101-11.4901 is revised as follows:

§ 101-11.4901 Standard Form 136, Annual Summary of Records Holdings.

Note: The form in § 101-11.4901 is filed as part of the original document and does not appear in the Federal Register. An initial distribution of the form has been sent to agency records officers. Additional supplies of the form must be obtained by submitting a requisition in FEDSTRIP format to the GSA Regional Office providing support to the requesting agency.

(National Stock Number (NSN) 7540-00-634-4094)

Dated: November 29, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-34411 Filed 12-28-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Care Financing Administration**

42 CFR Parts 400, 405, 408, 409, 418, 420 421, and 489

Medicare Program; Hospice Care**Correction**

In FR Doc. 83-33331, beginning on page 56008, in the issue of Friday, December 16, 1983, make the following corrections:

1. On page 56024, in the second column, in the second paragraph, in the last line, the OMB No. should read "0938-0302".

2. On page 56028, in the third column, in § 418.50(e), in the fifth line, "arrangement in" should read "arrangement for inpatient care is described in".

3. On page 56032, in the first column, in § 418.100(l), in the first and second lines "Pharmaceutical hospice service." Should read "Pharmaceutical services."

4. On page 56034, in the second column, in § 418.308(b), in the first line, "1966" Should read "1986".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 64**

[Docket No. FEMA 6579]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction,

Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate

documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the

required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Region I					
Connecticut: New London	Noank Fire District	090129B	Sept. 25, 1973, emergency; Sept. 17, 1980, regular; Jan. 5, 1984, suspended.	Feb. 21, 1975 and Sept. 17, 1980.	Jan. 5, 1984.
Massachusetts: Bristol	New Bedford, city of	255216B	Feb. 25, 1972, emergency; July 6, 1973, regular; Jan. 5, 1984, suspended.	July 9, 1976	Do.
Region II					
New Jersey:					
Somerset	Bed Minster, township of	340427B	July 26, 1974, emergency; Jan. 5, 1984, regular; Jan. 5, 1984 suspended.	July 26 1974 and June 24 1977.	Do.
Sussex	Byram, township of	340557A	July 31, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Feb. 26, 1975	Do.
Monmouth	Deal, borough of	340292B	Jan. 14, 1972, emergency; Mar. 5, 1976, regular; Jan. 5, 1984, suspended.	Jan. 14, 1972, Feb. 21, 1975 and Mar. 5, 1976.	Do.
Ocean	Lavallotte, borough of	340379D	Sept. 11, 1970, emergency; June 11, 1971, regular; Jan. 5, 1984, suspended.	June 11, 1971, July 1, 1974 and Apr. 16, 1976.	Do.
Hunterdon	Lebanon, township of	340510A	July 1, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Jan. 31, 1975.	Do.
Monmouth	Long Branch, city of	340307C	Mar. 17, 1972, emergency; May 5, 1976, regular; Jan. 5, 1984, suspended.	May 31, 1974, May 5, 1976 and Jan. 13, 1978.	Do.
Ocean	Mantoloking, borough of	340383B	Jan. 14, 1972, emergency; Sept. 30, 1977, regular; Jan. 5, 1984, suspended.	May 31, 1974 and Sept. 30, 1977.	Do.
Ocean	Seaside Park, borough of	345319D	Dec. 11, 1970, emergency; Aug. 13, 1971, regular; Jan. 5, 1984, suspended.	Aug. 17, 1971, July 1, 1974, Sept. 5, 1975 and Mar. 19, 1976.	Do.
New York:					
Wayne	Macedon, town of	361230C	Sept. 26, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Dec. 20, 1974, Sept. 10, 1976 and Jan. 14, 1977.	Do.
Saratoga	Mechanicville, city of	360721B	July 1, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Apr. 5, 1974 and June 11, 1976.	Do.
Dutchess	Poughkeepsie, city of	360222B	May 1, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	June 28, 1974 and July 9, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Saratoga	Round Lake, village of	360726B	July 29, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Apr. 12, 1974 and July 2, 1976.	Do.
Nassau	Valley Stream, village of	360495B	July 22, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Oct. 15, 1976.	Do.
Region III					
Delaware: Sussex	Unincorporated areas	100029C	Apr. 16, 1971, emergency; Oct. 6, 1976, regular; Jan. 5, 1984, suspended.	Dec. 13, 1974, Oct. 6, 1976 and Oct. 1, 1983.	Do.
Pennsylvania: Allegheny	Bridgeville, borough of	420018B	Oct. 5, 1974, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Feb. 8, 1974 and Apr. 9, 1976.	Do.
Bucks	Silverdale, borough of	422338A	Feb. 17, 1977, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Jan. 3, 1975.	Do.
Region IV					
South Carolina: Charleston	Unincorporated areas	455413E	June 30, 1970, emergency; Apr. 23, 1971, regular; Jan. 5, 1984, suspended.	Apr. 27, 1971, May 25, 1973, July 1, 1974, Nov. 12, 1976 and Oct. 1, 1983.	Do.
Charleston	North Charleston, city of	450042B	Oct. 5, 1973, emergency; Oct. 8, 1976, regular; Jan. 5, 1984, suspended.	Apr. 27, 1971, May 25, 1973, July 1, 1974 and Jan. 17, 1975.	Do.
Region V					
Illinois: Mason	Bath, village of	170464B	Mar. 4, 1979, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Dec. 17, 1983 and Apr. 16, 1976.	Do.
Gallatin	Junction, Village of	170245C	May 21, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Dec. 28, 1973, Sept. 26, 1975 and Jan. 25, 1980.	Do.
Dekalb	Sycamore, city of	170191B	June 25, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Apr. 5, 1974 and Jan. 9, 1976.	Do.
Indiana: Jackson	Unincorporated areas	180405B	Dec. 13, 1974, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Mar. 17, 1978.	Do.
Jackson	Medora, town of	180098B	May 11, 1976, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Nov. 23, 1973 and Dec. 26, 1975.	Do.
Ohio: Jefferson	Unincorporated areas	390294C	Feb. 2, 1977, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	June 10, 1977 and May 28, 1982.	Do.
Hamilton	Terrace Park, village of	390633C	Nov. 14, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Feb. 8, 1974, Oct. 8, 1976 and Aug. 12, 1977.	Do.
Ohio: Wood	Unincorporated areas	390809B	Mar. 16, 1977, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Feb. 17, 1978.	Do.
Wisconsin: Polk	Oscoda, village of	550336B	Aug. 20, 1974, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	May 25, 1974 and Feb. 13, 1976.	Do.
Region IX					
Nevada: Washoe	Reno, City of	320020B	Apr. 25, 1975, emergency; Jan. 5, 1984, regular; Jan. 5, 1984, suspended.	Mar. 29, 1974 and Apr. 1, 1977.	Do.

¹ Date certain Federal assistance no longer available in special flood hazard areas.

[National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration]

Issued: December 22, 1983.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 83-34439 Filed 12-28-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 22

[CC Docket No. 82-37; FCC 83-547]

Annual Filing of FCC Form 430; Abolishment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends §§ 21.11(a) and 22.11(a) of the Commission's Rules to no longer require licensees and permittees in the Domestic Public Fixed Radio Service and the Public Mobile Radio Service to report changes in their regulator profile on a periodic basis, pursuant to § 1.65 of the Rules. The other reporting requirement contained in §§ 21.11 and 22.11 remain unchanged however. In addition, FCC Form 430 (Common Carrier and Satellite Radio Licensee Qualification Report) is amended to eliminate and modify some

of its inquiries. Our intention is to reduce the paperwork burden imposed on carriers while continuing to obtain sufficient information from them to enable us to carry out our statutory responsibilities.

EFFECTIVE DATE: The effective date of the amendments is March 31, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Terrence E. Reideler, Domestic Radio Branch, Common Carrier Bureau (202) 634-1773.

List of Subjects in 47 CFR Parts 21 and 22.

Radio.

Report and Order

In re amendment of §§ 21.11(a) and 22.11(a) of the rules to abolish the annual filing of FCC Form 430; CC Docket No. 82-37.

Adopted: November 23, 1983.

Released: December 20, 1983.

By the Commission.

1. By Notice of Proposed Rulemaking, 47 FR 5732 (Form 430 NPRM), we explored possible revisions in the filing requirements of FCC Form 430 ("Common Carrier and Satellite Radio Licensee Qualification Report"). Form 430 is a three page report that seeks citizenship and other ownership information regarding various Commission common carrier and satellite licensees. See Appendix A, attached. We proposed that permittees and licensees in the Domestic Public Fixed and Public Land Mobile Radio Services no longer be required to file annually FCC Form 430. We reasoned that because §§ 21.11 and 22.11 of the Commission's Rules, 47 CFR 21.11, 22.11, require these carriers to keep current the information provided in FCC Form 430, the requirement that they also make an annual filing seemed to impose an unnecessary paperwork burden. In the Form 430 NPRM we also asked for comments as to possible changes that could simplify the form. Our intention was to reduce the paperwork burden imposed on carriers while continuing to obtain sufficient information from them to enable us to carry out our statutory responsibilities.

2. Comments were filed by 13 parties, representing both the Domestic Public Fixed and Public Land Mobile Radio Services. The commenters were: Times Mirror Cable Television, Inc. (Times Mirror); Microband Corporation of America (Microband); Western Union Telegraph Company (Western Union); ICS Communications (ICS); Contemporary Communications Corporation (Contemporary); Southern Pacific Communications Company (Southern Pacific); Telocator Network of America; the law firm of Kadison, Pfaltzer, Woodard, Quinn & Rossi (Kadison);¹ RCA Global

Communications, Inc. (RCA Globcom); United States Independent Telephone Association (USITA); the law firm of Cole, Raywid & Braverman;² American Telephone and Telegraph Company (AT&T); and the law firm of Pepper & Corazzini.³

I. Reporting Requirements

3. There was unanimity among the comments as to the need to reduce the reporting requirements now imposed by §§ 21.11(a) and 22.11(a). There was some disagreement, however, as to the best way to accomplish this goal. Several of the commenters favor our suggestion that the burden be lightened by abolishing the annual reporting requirement. Pepper & Corazzini and ICS, on the other hand, propose that the periodic reporting requirement be abandoned. Pepper & Corazzini suggest that the carriers be required to make an annual filing, wherein they would advise the Commission of all the changes that had taken place during the preceding year. In those instances in which there was no change, the carrier would so notify the Commission with a post card, rather than submitting a new FCC Form 430. ICS suggests that carriers be required to report no more than once a year and then only if there has been a change in the information previously reported. Notice of changes, says ICS, could be made by letter rather than by submission of a new form.

4. In a similar vein Western Union and Times Mirror do not object to abandoning the routine annual filing requirement, but note that requiring a carrier to report every change in the composition of its officers, directors and stockholders within 30 days of its occurrence imposes an extraordinary burden on large, publicly held corporations. They propose that licensees and permittees be allowed to elect to file their FCC Form 430 on an annual basis, rather than each time there is a change. As another alternative, Times Mirror suggests inclusion of a new rule specifically providing that publicly held companies file annually.

5. Finally, AT&T says that it sees no need to file an annual FCC Form 430 when there has been no change in the

information already reported to the Commission. It adds, however, that a requirement that licensees and permittees report only substantial and significant changes as they occur may not keep the Commission abreast of those it regulates.⁴ AT&T sees a need to report relatively minor changes as well. AT&T says that unreported minor changes could have a cumulative effect of rendering our records hopelessly out of date and thereby impair our effectiveness. Consequently, AT&T recommends that we abolish the requirement that carriers routinely file an annual FCC Form 430, continue to require carriers to notify us each time a significant change has occurred and require that they file an annual FCC Form 430 in those cases in which there has been a change in the previous year of any information of file.

6. Considering all of the comments, we believe that the public interest would be better served if we were to abandon the periodic reporting obligation and retain a simplified annual reporting requirement. Such a requirement would not be burdensome, would be more administratively efficient, and would ensure that sufficient information is received to enable us to carry out our statutory obligations.

7. The comments have made it apparent that there is some doubt concerning when § 1.65 requires that information should be submitted on a periodic basis. To the extent that the confusion is created by the questions in FCC Form 430, we believe the confusion should be greatly diminished by the substantial simplification of FCC Form 430 that we adopt below. Furthermore, we have concluded that a yearly review by the carrier with a subsequent report is the best way to ensure that changes are made and that our records are substantially up-to-date. Under an annual reporting requirement all changes in prior responses will have to be updated; the filer will not be required to ascertain whether an updated FCC Form 430 is necessary in order to keep the form "substantially accurate and complete in all significant respects" as required by § 1.65.

8. We have, therefore, decided to amend §§ 21.11(a) and 22.11(a) of the Rules to require permittees and licensees to report all changes of the information called for in FCC Form 430 once a year.⁵ In those cases in which

¹ The firm represents AAA Mobilephone Service, Inc.; Answer, Inc. of San Antonio; Associated Telephone Answering Services System, Inc.; Beepcall; Blacker's Communications Division, Inc.; Kelley's Radio Telephone, Inc.; La Vergne's Telephone Answering Service; Monroe Radio Telephone Co.; Tel-A-Voice; Pine Mountain Communications, Inc.; MetroFone Communications, Inc.; Armour Radio Communications, Inc.; and Polito Communications, Inc.

² This firm represents Andrews Tower Rental, Inc.; East Texas Transmission Co.; Hi-Desert Microwave, Inc.; Pilot Butte Transmission Company, Inc.; Transponder Corporation; Transponder Corporation of Denver, Inc.; Tansel Corporation; United Microwave Corp.; United Video, Inc.; and United Webco, Inc.

³ This firm represents Western Maryland Communications, Inc.; Penn Service Microwave Company, Inc.; Maine Microwave, Inc.; Service Electric Company; Mississippi Valley Microwave; and Southern Satellite Systems, Inc.

⁴ Microband noted in its comments that there should be some clarification as to what changes would be reported in a carrier's updated FCC Form 430.

⁵ This change in reporting requirements does not and cannot affect the licensees' statutory

there is no change from the preceding year, the carriers may so notify us by letter (which need not consist of more than one or two sentences). But, if there has been a change we will require a new FCC Form 430 with all the questions completed in full. Submitting a newly completed FCC Form 430 when there may have been a change in only one question may seem repetitious since the same objective could be accomplished with a simple amendment, but amendments and incorporations by reference can cause lengthy searches and confusion for the public and Commission staff. In addition, we note that FCC Form 430, as revised, consists only of 8 questions, most of which require only a checkmark response. On balance, we believe having accurate information in one place warrants the burden of filing a new form.

II. Changes in the FCC Form 430

9. Three commenters, Microband, USITA and Kadison, propose changes in the questions contained in FCC Form 430. All three have suggested changes in the subsections of question 6, which applies to corporate licensees and permittees. In addition, USITA questions the relevance of questions 7 and 8, and Microband suggests that we delete that portion of question 8 that requests information related to the "number of stations authorized to the licensee in each radio service."

10. Turning first to the proposals to amend the inquiries contained in question 6, Microband and Kadison believe that there is no need to require corporate carriers to furnish us with the addresses and occupations of their top 10 shareholders. Additionally, Microband suggests that we change our reporting requirement from the ten largest shareholders to those shareholders owning ten percent or more of the filer's stock. It believes that this standard would more accurately reflect the locus of control since carriers, especially smaller carriers, are often controlled by a few large shareholders, with the remaining shareholders holding only insignificant portions of the corporation's stock. USITA goes one step further and advocates that carriers be relieved of the requirement to furnish the names of their stockholders and their directors.

11. Microband and USITA also suggest some changes be made in

reporting the citizenship composition of these carriers. Microband says that the provisions of question 6(f)—(i) fully advise us of the citizenship makeup of a carrier. Therefore, there is no need to list the citizenship in other subsections of question 6.⁶ USITA would replace questions 6(f)—(i) with a simple affirmation that all parties are U.S. citizens. USITA also sees no need to identify the state in which a licensee is incorporated.

12. Finally, USITA argues that questions 7 and 8, which pertain to a carrier's character qualifications and ask for a listing of other Commission authorizations in which the carrier has an interest, are irrelevant as well as "unnecessarily intrusive." Microband partially shares USITA's concern, stating that in question 8 a carrier should only need to establish that it has other authorizations. It says that the present requirement of making a carrier keep a tally of all of its authorizations is an unreasonable burden.

13. We have reviewed each of the questions independently and have decided to delete several questions that, while not particularly burdensome, are not reviewed or considered on a routine basis by the staff in any of its regulatory functions. The following discusses each question that we propose to delete or change in the order in which they appear in the form.

14. Question 6(b) requires corporate filers to attach a copy of their articles of incorporation as an exhibit. This requirement was initially included so that the staff could determine whether the corporation was authorized to provide common carrier service. We have found that a question in this regard is rarely raised. Most of the documents we have received use general language that would encompass any lawful business activity to describe the permissible business activities of the corporation. We also believe that it is unlikely that a corporation would invest the time and money required to secure a Commission authorization without first acquiring the corporate capacity to provide service. Thus, we believe that the burden imposed on the carriers by this requirement outweighs the possible regulatory benefits to be derived from it.⁷ Accordingly, we shall delete the requirement.⁸

⁶ These inquiries are made in question 6(c) and (e).

15. Question 6(c), about which several commenters complained, requires that the filer attach an exhibit listing the names, addresses, principal occupations, and citizenship of the 10 largest shareholders. We too think that there is little need for a corporate licensee or permittee to inform us of the occupations of its principal shareholders. We do not, however, think that the obligation of a corporate carrier to furnish us with the names and addresses of these shareholders is irrelevant. We have a duty to know who is controlling the licensees and permittees. Consequently we should have at our disposal the names of their major shareholders. Moreover, the names of principals are of little use unless there is some means of verifying their identities, communicating with them if necessary, and of verifying citizenship. This is why we must also know their citizenship and addresses. Accordingly, the requests for stockholders' primary occupations in question 6(c) will be deleted. Regarding other changes in this question, we also agree that a change in the present reporting requirement is in order. We see little need to know the identities of shareholders who hold or vote less than 10 percent of the filer's stock. It seems improbable that these persons would be in a position to exert a significant influence over a carrier, especially in the smaller firms that comprise the bulk of the licensees.

16. Question 6(e) asks whether the filer is directly or indirectly controlled by any other corporation and, if so, it asks various questions about the controlling corporation. We believe that it is important for the Commission to be informed that the filer is controlled by another corporation in order to ascertain the relationship between licensees and to enable the staff to contact more easily the principals when there are questions or problems involving the filer. In addition, such information would facilitate public access to information about our licensees. Thus, we believe

⁷ We do not, however, agree with USITA that there is no need for a corporate carrier to identify the state in which it is incorporated. We are informed by our staff that this is a matter of frequent inquiry by members of the public. Although the information sought is primarily to enable us to carry out our regulatory functions, we believe that the needs of the public should also be considered. Accordingly, we are persuaded that this information, which is easily furnished, should continue to be supplied.

⁸ We believe that our rationale regarding articles of incorporation is equally applicable to partnership agreements, thus we shall delete question 5(e) as well.

responsibilities [see, e.g., 47 U.S.C. § 310(d), which provides that control of a station license may not be transferred without prior Commission authorization].

that filers should continue to be required to give the name and address of the controlling entity, a brief description of its business, and whether officers, directors or major stockholders are aliens. Thus we have decided, in accordance with our discussion above, that subsection (2) be modified to require that a filer submit the names, addresses and citizenship of those shareholders holding or voting 10 percent of the filer's stock, and that subsection (5), which calls for the controlling corporation's Articles of Incorporation, be eliminated.

17. Turning to Question 7, which relates to the filer's qualifications to hold a radio license, we have concluded that three subsections of question 7(a) should be modified in order to make these inquiries more pertinent for judging a filer's qualifications.⁹ First, we believe that subsection (iii) of question 7(a), which is a general inquiry concerning antitrust and security law convictions, should be narrowed to seek information relating to anticompetitive behavior solely in the field of radio and wire line communications. Next we would amend subsection (iv), which asks whether the filer has been found

guilty of any felony or crime involving moral turpitude, to require notification of only felony convictions. We believe that "moral turpitude" is too vague to use as a standard in assessing a filer's qualifications. Finally, we believe that the portion of question 7(a)(v), which asks if the filer has ever been adjudged mentally incompetent should be eliminated. This inquiry is not made in similar forms used in other radio services. See, e.g., FCC Form 402A (Private Radio Bureau) and FCC Form 323 (Mass Media Bureau). The remainder of question 7, relating to whether an authorization has ever been denied or revoked, and to actions pending against the filer will remain as is.

18. Finally, USITA has argued that question number 8, relating to control of other radio stations, is irrelevant and unnecessarily intrusive. Microband objects to the present requirement of making a carrier keep track of each authorization in which it has an interest. We agree with Microband that the requirement that the filer note the approximate number of stations authorized to the licensee in each radio service serves no useful purpose. At the same time, however, it is important for us to know the relationship between licensees and thus whether any subsidiary of the filer is a carrier regulated by the Commission. It is also often important for the staff to determine in what other services a filer may have interests. For example, if a

question arises as to the qualifications of a licensee, the question may well exist regarding all of the licenses held. It would be necessary to have a listing of all licensee corporations which the filer owns or controls. We shall revise question 8 to ask only name of the licensee in which the filer has an interest, the licensee's relation to the filer and the radio services involved.

III. Ordering Clauses

19. Accordingly, it is hereby ordered, that, pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 21.11(a) and 22.11(a) of the Commission's Rules and Regulations are amended, as set forth in the attached appendices,¹⁰ effective March 31, 1984.

20. It is further ordered, that FCC Form 430 is amended, as set forth in the attached appendices, effective March 31, 1984.

21. It is further ordered, that the proceeding in Docket No. 82-37 is terminated.

FEDERAL COMMUNICATIONS
COMMISSION.

William L. Tricarico,

Secretary.

BILLING CODE 6712-01-M

⁹ These changes do not preclude the Commission from considering any other allegations or information that interested parties may bring to our attention which may bear upon the filer's qualifications to become or remain a licensee. By these changes, we intend only to indicate those matters which we believe should be brought to our attention on a routine basis.

¹⁰ Appendix A is a copy of present Form 430. The portions being revised are underlined. Appendix B is a copy of the new form. Appendix C includes the editorial changes we are making to Parts 21 and 22 of the Rules.

FCC Form 400 - February 1983

	YES	NO
d. If a partnership, under the laws of what State (or other jurisdiction) is it organized?		
e. If a partnership, attach as Exhibit I, one copy of the partnership agreement.		
6. If Filer is a corporation, answer the following:		
a. Under laws of what State (or other jurisdiction) is it organized?		
b. Attach as Exhibit II, a copy of the Articles of Incorporation unless a current copy has been previously filed. (If previously filed, indicate the filing date.)		
c. Attach as Exhibit III the names, addresses, principal occupations, and citizenship of the 10 largest stockholders owning of record and/or voting the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or the class of beneficiaries.		
d. List below, or attach in Exhibit IV, the names of the officers and directors of the Filer.		
e. Is the Filer directly or indirectly controlled by any other corporation?		
If "Yes", attach as Exhibit V a statement (including organizational diagrams where appropriate) which fully and completely identifies the nature and extent of control. Include the following: (1) the address and primary business of the controlling corporation and any immediate subsidiaries; (2) the names, addresses, citizenship, and principal occupations of the ten largest stockholders of the controlling corporation; (3) the approximate percentage of total voting stock held by each such shareholder; (4) the president and directors of the controlling corporation; and (5) the Articles of Incorporation for the controlling corporation.		
f. Is any officer or director of the Filer an alien?		
g. Is more than one-fifth of the capital stock of the Filer owned by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?		
h. Is the Filer directly or indirectly controlled: (1) by any other corporation of which any officer or more than one-fourth of the directors are aliens, or (2) by any foreign corporation or corporation of which more than one-fourth of the capital stock is owned or voted by aliens or their representatives?		
i. If any answer to questions (f), (g) or (h) is "Yes", attach as Exhibit VI, a statement identifying the alien or foreign entities, their nationality, their relationship to the Filer, and the percentage of stock they own or vote.		

APPENDIX A

FCC Form 400 February 1983		FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D. C. 20554	Approved by OMB 3060-0105 Expires 1/31/84
COMMON CARRIER AND SATELLITE RADIO LICENSEE QUALIFICATION REPORT			
INSTRUCTIONS			
A. The "Filer" of this report is defined to include: (1) An applicant, where this report is submitted in connection with applications for common carrier and satellite radio authority as required for such applications, or (2) A licensee or permittee, where this report is required by the Commission's Rules to be submitted on an annual basis. B. Submit an original and one copy (a separate original only) to the Federal Communications Commission, Washington, D. C. 20554. If more than one radio service is reported, D. C. 20554. If more than one radio service is reported, D. C. 20554. If more than one radio service is reported, D. C. 20554.			
1. Business name and address (street number, city, state, ZIP Code) of Filer's principal office:			
2. List the common carrier and satellite radio services in which Filer has applied or is a current licensee or permittee:			
3. If this report supersedes a previously filed report, specify its date:			
4. Filer is (check one): <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other (Specify)			
5. If Filer is an individual (sole proprietorship) or partnership, answer the following: a. Full legal name and residential address (street number, city, state & ZIP Code) of individual or partners:			
b. Is individual or each member of a partnership a citizen of the United States?			
c. Is individual or any member of a partnership a representative of an alien or of a foreign government?			

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APPENDIX B

FCC Form 430 - February 1983		YES	NO
7. a. Has the Filer or any person directly or indirectly controlling the Filer: *			
i. Had any application for any FCC authorization denied on grounds of qualifications or character?			
ii. Had any radio station license or permit revoked by the FCC or any Federal Court?			
iii. Been found guilty within the last 10 years by a court or administrative agency of any civil or criminal violations of the security or anti-trust laws of the United States or of any state, territorial, or local government?			
iv. Been found guilty by any court of any felony or any other crime involving moral turpitude?			
v. Been adjudged bankrupt or mentally incompetent by any court?			
b. Is there now pending in any court or administrative body against the Filer, or any person or organization having final control, any action involving any of the matters referred to in the questions in (a) above?			
c. If any of the answers to questions (a) or (b) are "Yes", submit as Exhibit VII a brief statement concerning the persons and matters involved, identifying the court or agency, the proceeding (by date, file number, or report citation), the facts upon which the proceeding is (or was) based, the nature of the offense committed or alleged, and the status or disposition of the matter.			
8. Is the Filer, directly or indirectly, through stock ownership, contract or otherwise, currently interested in the ownership or control of any other radio stations licensed by this Commission?			
If "Yes", submit as Exhibit VIII, the name of each such licensee, the licensee's relation to the Filer, and the approximate number of stations authorized to the licensee in each radio service.			
CERTIFICATION			
This report constitutes a material part of any application which cross-references it, and all statements in the attached exhibits are a material part hereof. The ownership information contained in this report does not constitute an application for, or Commission approval of, any transfer of control or assignment of radio facilities. The undersigned, individually and for the Filer, hereby certifies that the statements made herein are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.			
Dated this _____ day of _____, 19____			
Filer _____ (Must be completed with their names on page 10)			
By _____ (Typed) _____ (Signed)			
Title _____			

WILLFUL FALSE STATEMENTS
MADE ON THIS APPLICATION
OR WILLFUL OBSTRUCTION
OF THIS APPLICATION BY
CANDIDATE, TITLE 18, Section 1007
AND FOR REVOCATION OF ANY
STATION LICENSE OR
CONSTRUCTION PERMIT. 47 U.S.C.
Cable, Title 18, Section 1007C

NOTICE TO INDIVIDUALS REQUIRED BY PRIVACY ACT OF 1974 AND THE FAIR CREDIT REPORTING ACT OF 1970

The solicitation of personal information requested in this form is to determine if you are qualified to become a licensee in a common carrier or satellite radio service pursuant to the Communications Act of 1934, as amended. No authorization can be granted unless all information requested is provided. Response to the information requested is required to obtain the requested authorization.

* Item 7 revised in Appendix B.

FCC Form 430 FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D. C. 20554	
COMMON CARRIER AND SATELLITE RADIO LICENSEE QUALIFICATION REPORT	
INSTRUCTIONS	
A. The "Filer" of this report is defined to include: (1) An applicant, where this report is submitted in connection with applications for common carrier and satellite radio authority as required for such applications; or (2) A licensee or permittee, where this report is required by the Commission's Rules to be submitted on an annual basis. B. Submit an original and one copy (sign original only) C. Do not submit a fee with this report. to the Federal Communications Commission, Washington, D. C. 20554. If more than one radio service:	
1. Business name and address (street number, city, state, ZIP Code) of Filer's principal office:	
2. List the common carrier and satellite radio services in which Filer has applied or is a current licensee or permittee:	
3. If this report supersedes a previously filed report, specify its date:	
4. Filer is (check one): <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other (Specify)	
5. If Filer is an individual (sole proprietorship) or partnership, answer the following: a. Full legal name and residential address (street number, city, state & ZIP Code) of individual or partners:	
b. Is individual or each member of a partnership a citizen of the United States?	
c. Is individual or any member of a partnership a representative of an alien or of a foreign government?	

FCC Form 420

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FCC Form 420		YES	NO
2. If a partnership, under the laws of what State (or other jurisdiction) is it organized?			
6. If Filer is a corporation, answer the following:			
a. Under laws of what State (or other jurisdiction) is it organized?			
b. Attach as Exhibit I, the names, addresses, and citizenship of those stockholders owning at record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries.			
c. List below, as such in Exhibit II, the names of the officers and directors of the Filer.			
d. Is the Filer directly or indirectly controlled by any other corporation?			
If "Yes", attach as Exhibit III a statement (including organizational diagrams where appropriate) which fully and completely identifies the nature and extent of control. Include the following: (1) the address and primary business of the controlling corporation and any intermediate subsidiaries; (2) the names, addresses, and citizenship of those stockholders holding 10 percent or more of the controlling corporation's voting stock; (3) the appropriate percentage of total voting stock held by each such stockholder; and (4) the president and directors of the controlling corporation.			
e. Is any officer or director of the Filer an alien?			
f. Is more than one-fifth of the capital stock of the Filer owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by a corporation organized under the laws of a foreign country?			
g. Is the Filer directly or indirectly controlled: (1) by any other corporation of which any officer or more than one-fourth of the directors are aliens, or (2) by any foreign corporation or corporation of which more than one-fourth of the capital stock is owned or voted by aliens or their representatives, or by a foreign government or representative thereof?			
h. If any answer to questions 1d, 1e or 1f is "Yes", attach as Exhibit IV a statement identifying the alien or foreign entities, their nationality, their relationship to the Filer, and the percentage of stock they own or vote.			

FCC Form 420

Page 3

FCC Form 420		YES	NO
7. a. Has the Filer or any party to this application had any FCC station license or permit revoked or had any application for permit, license or renewal denied by this Commission? If "Yes", attach as Exhibit V giving call sign of license or permit revoked and relate circumstances.			
b. Has any court finally adjudged the Filer, or any person directly or indirectly controlling the Filer, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or other means of unfair methods of competition? If "Yes", attach as Exhibit VI a statement relating the facts.			
c. Has the Filer, or any party to this application, or any person directly or indirectly controlling the Filer ever been convicted of a felony by any state or Federal Court? If "Yes", attach as Exhibit VII a statement relating facts.			
d. Is the Filer, or any person directly or indirectly controlling the Filer, presently a party in any matter referred to in items 7b, and 7c? If "Yes", attach as Exhibit VIII a statement relating the facts.			
8. Is the Filer, directly or indirectly, through stock ownership, control of ownership, control of any other radio stations licensed by this Commission?			
If "Yes", submit as Exhibit IX, the name of each such licensee and the licensee's relation to the Filer.			
CERTIFICATION			
This report constitutes a material part of any application which cross-references it, and all statements made in the attached exhibits are a material part hereof. The undersigned, in making this report, does not constitute an application for, or Commission approval of, any transfer of control or assignment of radio facilities. The undersigned, individually and for the Filer, hereby certifies that the statements made herein are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.			
Dated this _____ day of _____, 19____			
Filer _____ (Filer designated with call sign on page 2)			
By _____ (Signature)			
Title _____			
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>WARNING: FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE BY LAW. See 47 U.S.C. 307 and 47 C.F.R. 1.1007 AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT. 47 C.F.R. Title 47, Section 17.03(d)(1)</p> </div>			
<p style="text-align: center;">NOTICE TO INDIVIDUALS REQUIRED BY PRIVACY ACT OF 1974 AND THE FAIR CREDIT REPORTING ACT OF 1970</p> <p>The solicitation of personal information requested in this form is to determine if you are qualified to become a licensee in a common carrier or satellite radio service pursuant to the Communications Act of 1934, as amended. No authorization can be granted unless all information requested is provided. Response to the information requested is required to obtain the requested authorization.</p>			

BILLING CODE 4712-01-C

Appendix C

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

1. In § 21.11, paragraph (a) shall be revised as follows:

§ 21.11 Miscellaneous forms shared by all domestic public radio services.

(a) *Licensee qualifications.* FCC Form 430 ("Common Carrier and Satellite Radio Licensee Qualification Report") shall be filed annually, no later than March 31 for the end of the preceding calendar year by licensees and permittees for each radio service (except for individual mobile subscribers to a common carrier service), if public service was offered at any time during the preceding year. Each annual filing shall include all changes of information required by Form 430 that occurred during the preceding year. In those cases where there has been no change in any of the required information the carrier, in lieu of submitting a new form, may so notify the Commission by letter.

PART 22—PUBLIC MOBILE RADIO SERVICES

2. In § 21.11 paragraph (a) shall be revised as follows:

§ 22.11 Miscellaneous forms shared by all domestic public radio services.

(a) *Licensee qualifications.* FCC Form 430 ("Common Carrier and Satellite Radio Licensee Qualification Report") shall be filed annually, no later than March 31 for the end of the preceding calendar year by licensees and permittees for each radio service (except for individual mobile subscribers to a common carrier service), if public service was offered at any time during the preceding year. Each annual filing shall include all changes of information required by Form 430 that occurred during the preceding year. In those cases where there has been no change in any of the required information the carrier, in lieu of submitting a new form, may so notify the Commission by letter.

INTERSTATE COMMERCE COMMISSION**49 CFR Ch. X**

[Ex Parte No. MC-165 (Sub-No. 1)]

Motor Contract Carriers of Property; Proposal To Allow Issuance of Permits Authorizing Industry-Wide Service

AGENCY: Interstate Commerce Commission.

ACTION: Final policy statement and change in the Form OP-1.

SUMMARY: The Commission has issued a final policy statement that motor contract carriers of property may file applications to serve an entire industry or industries as a class (the notice of proposed policy statement and proposed change in the Form OP-1 was published at 48 FR 24397, June 1, 1983). The Commission has also adopted minor modifications in the OP-1 application form consistent with the policy statement. The final policy statement and changes to the application form comport with 49 U.S.C. 10923(d)(2) and will allow contract carriers to expand and make their operations more efficient without filing multiple applications to serve more than one shipper.

EFFECTIVE DATE: This action becomes effective December 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mark S. Shaffer, (202) 275-1723

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Rather than revise the entire Form OP-1 (Revised 11/83) at this time, the Commission will issue a revised page 5 to Form OP-1 (Revised 11/83) application form which incorporates the changes adopted here. The revised page 5 to Form OP-1 can be obtained from: Office of the Secretary, Publications Room, Rm B-221, Washington, DC 20423, 202-275-7833.

The revised page 5 to Form OP-1 will also be distributed to all Commission offices which stock Form OP-1.

The public can continue to use the current Form OP-1 (Revised 11/83) that they currently have on hand. All applicants requesting contract carrier authority should include either the revised page 5 that the Commission will

provide or a facsimile page 5 on which these changes have been made. Common carriers are not affected by this change so they do not need to add the revised page 5 or make the revisions.

When the Commission exhausts its supply of OP-1 Forms (Revised 11/83), a new form which incorporates these revisions will be issued. A public notice will be issued when the completely-revised Form OP-1 is available.

(49 U.S.C. 10923 (c)(i), (d) (1) and (2), and 5 U.S.C. 553)

Decided: December 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-34437 Filed 12-28-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 25****Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families**

AGENCY: Department of Transportation, (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedule for displaced persons in the States of Indiana, New York, and Pennsylvania.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peter Nyberg, Relocation Division, Office of Right-of-Way (202-426-0117); or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, governing agency implementation of the Act, 41 CFR Part 101-6, provide in § 101-6.105-1 that

moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49. The purpose of this amendment is to revise the current schedule, which was published on July 14, 1983, (48 FR 32171) to reflect changes in the moving expense schedules that have been made by the following States:

Tables I—Personalty—Indiana, New York, and Pennsylvania.

Table II—Mobile Homes—New York.

The FHWA has determined that this document is neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory policies and procedures. The FHWA has also determined that the changes

reflected in this action will have only minimal economic impact on the affected States, individuals, and families. Accordingly, further regulatory evaluation is not required and, for the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities, since the moving expense schedules are used only by individuals and families. They are not used by businesses.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the FHWA finds for good cause that such actions would be impracticable, unnecessary and would not result in the receipt of useful information.

In consideration of the foregoing, the Department of Transportation hereby amends Title 49, Code of Federal Regulations, Subtitle A, Part 25,

Appendix A, Tables I and II as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

(42 U.S.C. 4601; 41 CFR 101-6.105-1; 49 CFR 25.153; 23 CFR 740.55(c))

List of Subjects in 49 CFR Part 25

Highway and roads, Land acquisition, Relocation assistance.

Issued on: December 22, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

PART 29—[AMENDED]

Appendix A—[Amended]

Appendix A, Tables I and II, to Part 25, are revised to read as follows:

Appendix A—Moving Cost Schedules

TABLE I.—PERSONALTY

State	Occupant provides furniture									Occupant does not provide furniture	
	Number of rooms of furniture									First room	Each additional room
	1	2	3	4	5	6	7	8	9		
Alabama	\$100	\$150	\$200	\$250	\$300					(1)	(1)
Alaska	75	150	200	250	275	\$300				15	15
Arizona	50	100	150	200	250	300				25	15
Arkansas	100	160	200	240	280	300				50	30
California	75	100	150	200	250	300				25	15
Colorado	120	180	240	300						30	20
Connecticut	50	90	140	170	230	280	\$300			15	15
Delaware	60	100	140	180	220	260	300			25	15
District of Columbia	100	135	170	210	250	290	300			35	15
Florida	100	150	200	250	300					50	50
Georgia	140	180	220	260	300					50	10
Guam	48	85	120	168	205	240	300			10	10
Hawaii	65	100	135	175	215	255	295	\$300		45	30
Idaho	60	100	140	180	220	260	300			20	10
Illinois	50	100	150	200	250	300				25	15
Indiana	60	120	180	240	300					25	15
Iowa	75	140	195	240	275	300				30	12
Kansas	60	120	180	240	300					30	10
Kentucky	65	130	195	260	300					35	25
Louisiana	100	140	180	220	260	300				40	15
Maine	50	100	150	200	250	300				25	15
Maryland	100	150	200	250	300					20	10
Massachusetts	60	130	150	190	225	250	275	300		25	15
Michigan	65	130	180	240	300					50	10
Minnesota	75	150	200	250	300					30	15
Mississippi	100	150	200	250	300					50	25
Missouri	50	100	150	200	250	300				25	10
Montana	100	150	200	250	300					50	25
Nebraska	50	100	150	200	250	300				30	10
Nevada	100	150	200	250	300					50	25
New Hampshire	100	150	190	230	270	300				25	15
New Jersey	80	140	195	245	300					25	15
New Mexico	158	235	300							(2)	(2)
New York	120	170	215	260	300					50	25
North Carolina	70	110	160	210	260	300				40	30
North Dakota	75	125	150	200	250	275	300			30	15
Ohio	50	100	150	200	250	300				30	10
Oklahoma	100	150	200	250	300					40	15
Oregon	75	150	225	300						25	25
Pennsylvania	100	170	240	300						35	35
Puerto Rico	75	120	165	210	255	300				25	25
Rhode Island	70	140	210	250	275	300				25	10
South Carolina	150	250	300							40	30
South Dakota	100	150	200	250	300					50	15
Tennessee	75	100	150	200	250	300				25	15
Texas	95	140	190	245	300					50	25
Utah	75	100	130	155	180	210	240	270	\$300	25	15
Vermont	100	150	190	230	270	300				25	15
Virginia	60	105	150	195	240	300				40	10

TABLE I.—PERSONALTY—Continued

State	Occupant provides furniture									Occupant does not provide furniture	
	Number of rooms of furniture									First room	Each additional room
	1	2	3	4	5	6	7	8	9		
Virgin Islands	105	150	195	240	275	300				35	35
Washington	100	150	200	250	300					25	25
West Virginia	100	150	200	250	300					40	20
Wisconsin	80	150	210	260	300					50	30
Wyoming	80	120	180	240	260	300				40	20

¹ Furnished units including sleeping rooms. Occupant does not own furniture. First room, \$35; 2 rooms, \$55; 3 rooms, \$80; 4 rooms, \$100; 5 rooms, \$125; 6 rooms, \$145; each additional room, \$20.

² Furnished units including sleeping rooms. Occupant does not own furniture. First room, \$68; 2 rooms, \$129; 3 rooms, \$160; 4 rooms, \$193; 5 rooms, \$224; 6 rooms, \$256; 7 rooms, \$288; 8 rooms, \$300.

TABLE II.—MOBILE HOMES

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Alabama			0 (0)	200 (18.6)			165
			200 (18.6)	400 (37.2)			225
			400 (37.2)	600 (55.8)			285
			600 (55.8)				300
Alaska *							300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	10 (3)	200
California					12 (3.7)		300
Colorado							(0 ¹)
Connecticut *					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida *							300
Georgia *							300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					10.5 (3.2)	10.5 (3.2)	200
					12.5 (3.8)	12.5 (3.8)	250
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7)	180
					12 (3.7)		230
	25 (10.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky *					0 (0)	8 (2.4)	285
					8 (2.4)		300
Louisiana					0 (0)	10 (3)	200
					10 (3)	12 (3.7)	250

TABLE II.—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Maine					12 (3.7)	14 (4.3)	300
					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
						12 (3.7)	300
Minnesota *					0 (0)	8.24	200
					8 (2.4)		300
Mississippi			0 (0)	300 (27.9)			200
			300 (27.9)	400 (37.2)			250
			400 (37.2)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana *					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	225
						14 (4.3)	275
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada					0 (0)	8 (2.4)	200
					8 (2.4)		300
New Hampshire *							300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico *-*	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	206
					8.5 (2.6)	10.5 (3.2)	279
					12.5 (3.8)	10.5 (3.2)	288
					12.5 (3.8)		300
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	243
					8.5 (2.6)	10.5 (3.2)	288
					10.5 (3.2)		300
New York			0 (0)	300 (27.9)			200
			300 (27.9)	500 (46.5)			250
			500 (46.5)				300
North Carolina *-*					0 (0)	12 (3.7)	200
					12 (3.7)		300
North Dakota *			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300
Ohio *	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			220
			1,120 (104.2)				275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			165
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	250
					10 (3)		300
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania *					0 (0)	8 (2.4)	225
Rhode Island					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300

TABLE II.—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
South Carolina *					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
South Dakota *					0 (0)	10 (3)	100
Tennessee *					10 (3)		150
Texas					0 (0)	8.5 (2.6)	175
					8.5 (2.6)	10.5 (3.2)	235
					10.5 (3.2)		300
Utah *	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25 (40.2)			0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont *, *							300
Virginia			0 (0)	200 (18.5)			150
			200 (18.5)	400 (37.2)			200
			400 (37.2)	600 (55.8)			250
			600 (55.8)	800 (74.4)			300
Washington *							300
West Virginia			0 (0)	300 (27.9)			150
			300 (27.9)	450 (41.9)			200
			450 (41.9)	550 (51.2)			250
			550 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming *					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	165
					10.5 (3.2)	12.5 (3.8)	210
					12.5 (3.8)		300

* Width to 8' (2.4 m) Length 40' (12.2 m) \$200. Over 40' (12.2 m) 300. Width over 8' (2.4 m) 300.

* Under 8' (2.4 m) x 40' (12.2 m)—Unskirted \$150. Over 8' (2.4 m) x 40' (12.2 m)—\$300.

* Plus \$50 for expandable trailer.

* \$300 for double trailer.

* Escort fee included.

* Personality only. Width—under 10 feet (3 m), \$60; 10 feet (3 m), \$70; 12 feet (3.7m) and over \$100; doubles, \$175.

* \$50 for extras.

* All trailers.

* All mobile homes.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 22

Permits To Take Golden Eagle Nests

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Because of conflicts between preservation of golden eagle nests and resource development or recovery operations, particularly surface coal mining activities in the western States, Congress amended the Eagle Protection Act to authorize the Secretary of the Interior to issue regulations that permit the taking of golden eagle nests found on the site of those operations under certain circumstances. Under that authority, the Service amends its

regulations under the Eagle Protection Act to permit the taking (i.e., collection, molestation, disturbance, or destruction) of golden eagle nests during resource development or recovery operations when the nests are inactive if the taking is compatible with the preservation of the area nesting population of golden eagles. Little or no long-term impact on area nesting populations of golden eagles is expected as a result of this action.

EFFECTIVE DATE: January 30, 1984.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

A notice of proposed rulemaking was published in the *Federal Register* on January 3, 1980 (45 FR 809), which invited comments for 60 days ending

March 3, 1980. After a draft environmental assessment was prepared in conjunction with the proposed rule to comply with the National Environmental Policy Act of 1969, the comment period was reopened on October 9, 1981 (46 FR 49925), for 30 more days ending on November 9, 1981. Comments were received from individuals, businesses, government agencies, and environmental groups. The following summarizes the comments by topic and the Service's response to those comments, including any changes made in the proposed rule as a result.

Summary and Analysis of Comments

1. Scope and applicability of the rule

Many comments recognized the need for the rule and supported its basic principle: resource development or recovery operations are legitimate and appropriate activities entitled to limited relief from the prohibitions of the Eagle Protection Act, but the Service must remain committed to the preservation of

the golden eagle. From that starting point the comments on the proposal diverged. Some found too little relief offered, others found too little emphasis on preservation.

The Service looked at the language of the 1978 amendment and the congressional intent underlying its passage when the proposal was drafted. The 1978 amendment, which amended section 2 of the Eagle Protection Act (16 U.S.C. 668a), reads as follows:

Provided further, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking of golden eagle nests which interfere with resource development or recovery operations. Sec. 8, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a).

Beyond the language of the amendment, little guidance was offered by Congress. But in view of the exhaustive and careful enumeration of prohibited acts elsewhere in § 668a of the Eagle Protection Act, the use of this precise terminology by Congress in the 1978 amendment was intentional. Therefore, the Service believes it correctly interpreted the amendment to apply only to golden eagles, and then only to the taking of golden eagle nests.

From the number of comments addressing the possible situations when a permit is needed to take golden eagle nests, it appears the Service needs to clarify the "taking" prohibition. The definition of "take" in section 4 of the Eagle Protection Act (16 U.S.C. 668c) includes "collect, molest, or disturb." In the context of this rule, these terms prohibit removal, destruction, or some other act that physically affects a golden eagle nest. That is, a nest is not "taken" during a resource development or recovery operation until it is removed, destroyed, or physically damaged or disturbed. But the very same operation that does not take a nest may result in a prohibited taking of a golden eagle. Whether a particular act results in the taking of a golden eagle is not within the scope of this rule.

Several comments stated that the rule should limit the geographic area in which permits would be available to Montana, Wyoming, Colorado, and Utah, four States where there are both healthy golden eagle populations and extensive surface coal mining operations. When read in the context of the Service's proposed definition of "resource development or recovery operation," others saw a broad, nationwide, open-ended permit system (a "generic" permit as one comment called it). Other comments recommended that the Service prescribe limits on the types of resource

development or recovery operations eligible for a permit.

The major portion of golden eagle nest-resource development or recovery conflicts do occur in the coal mining areas of Montana, Wyoming, Colorado, and Utah. This region has a high resident population of golden eagles that nest on existing coal leases or lands with a high potential for recovery of strippable coal. The Service has adequate breeding population data for most of the energy impact areas in the western U.S. In Wyoming, where intensive sampling has been conducted, the breeding population is estimated at 3,000 pairs (an average of one pair per 33 square miles). On coal resource study areas, golden eagle densities have been as high as one breeding pair per 12 square miles.

Golden eagle nest-resource development or recovery conflicts also occur in association with such operations as logging; oil and gas exploration; and construction of dams, roads, pipelines and electric transmission or distribution lines. Compared to development of western coal reserves, however, these operations are less commonly associated with such conflicts due to either the restricted nature of the activity or the lower density of eagles found within the development area.

After reviewing the legislative history of the 1978 amendment, particularly the Senate report on the amendment (Sen. Rep. No. 95-1175, 95th Cong. 2nd Sess. 6-7 (1978)), the Service has not found any Congressional intent to limit the permit to the suggested four-State area or narrow the types of resource development or recovery operations eligible for a permit. The legislative history provides examples which illustrate, but do not exhaust, the situations creating the need for a permit. As before, Congress was quite careful in its choice of words, preferring the term "resource development or recovery operations" rather than a less inclusive one.

Comments from Weyerhaeuser Company and Georgia-Pacific Corporation challenged the Service's authority to regulate the taking of golden eagle nests on non-Federal lands. Weyerhaeuser Company stated, "without clear statutory language, or at least clear legislative intent, Federal statutes should not be interpreted as requiring Federal permits for development of non-Federal land. We are not aware of any legislative history associated with the (Eagle Protection Act) . . . suggesting that development of non-Federal lands would be regulated. . . ."

As the Supreme Court noted in *Andrus v. Allard*, 444 U.S. 51 (1979), the Eagle Protection Act is a conservation statute containing prohibitions designed to prevent the destruction of bald and golden eagles. Exceptions to the general prohibitions of the Act are explicit and carefully circumscribed. Among the broad proscriptive provisions the Eagle Protection Act enumerates to achieve this goal is one that prohibits the taking of golden eagle nests. The 1978 amendment provides the Service with the authority to permit the taking of golden eagle nests in limited circumstances. What this final rule provides is a mechanism for applying conditions on the grant of a privilege to a permittee. It enables the Service to perform its statutory mandate while an operator engages in an otherwise prohibited activity. The development of non-Federal lands is only incidentally regulated and only when a permit to take a golden eagle nest is required.

In summary, under this rule: (1) No permit is needed by an operator to conduct a resource development or recovery operation in the vicinity of an inactive nest, as that term is defined by the rule and discussed below, as long as the nest is not removed, destroyed, or physically molested or disturbed; (2) no permit may be issued to an operator by the Service under 50 CFR 22.25 to take either golden eagles or their eggs; (3) a permit to take a golden eagle nest when the nest is inactive does not authorize the permittee to take either golden eagles or their eggs; and (4) whether an operator has unlawfully taken golden eagles or their eggs during an operation will be decided by the Service on a case-by-case basis, as the Service has done in the past.

2. Definitions

The Service proposed a framework for issuing permits to take golden eagle nests that sought to distinguish between "active" and "inactive" nests. The Service proposed to define an "active nest" to mean one that "(a) is known to have been used by nesting golden eagles in at least 1 of the 3 preceding years; or (b) is in such condition that prior use by golden eagles can be verified, and little or no repair will be required for its subsequent use by golden eagles for nesting purposes. No definition of "inactive nest" was included.

Even though 2 types of nests were distinguished, the Service proposed to permit the taking of either type, but only if the particular nest was not under construction or occupied and the taking was compatible with the preservation of the regional population of golden eagles.

The restriction against taking any nest under construction or occupied prevented the Service from authorizing the possible taking of one or more golden eagles for purposes not permitted under the Eagle Protection Act (16 U.S.C. 668a). Because the Act (16 U.S.C. 668a) also requires an investigation to be conducted before a permit is issued to determine whether the taking is "compatible with the preservation of the . . . golden eagle," the proposal focused on the impact the taking would have on the regional population of golden eagles, to account for geographic differences in the total golden eagle population and to enable the Service to issue a permit tailored to the needs of a particular regional population.

The comments revealed confusion over these definitions, most notably, the definition of "active nest." For one thing, it was argued that the definition departed from the common meaning of that term.

The final rule now defines the following terms: "area nesting population," "golden eagle nest," "inactive nest," "nesting attempt," "person," and "resource development or recovery." These definitions should overcome any confusion caused by the definitions used in the proposal or caused by terms that were left undefined.

The term "inactive nest" is defined to mean "a golden eagle nest that is not currently used by golden eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken." Any golden eagle nest is a candidate for a permit. But unlike the proposal, all golden eagle nests are seen as nests at which nesting attempts may occur. Cliffs, rock outcrops, and trees are used as nest sites by golden eagles. Many nest sites may be used by successive generations. Golden eagles have shown a propensity to construct a number of alternate nests in any one locale. Some may be used for nesting at varying intervals; some may be irregularly visited and maintained. Frequently, 3 or more of these alternate or satellite nests are constructed by a single pair of golden eagles. Although alternate nest sites may be selected because of early nesting failure, generally nesting attempts only occur at one site per year.

The definition of "inactive nest," which replaces the proposed definition for "active nest," identifies almost the same golden eagle nests that are eligible for a permit. That is, under the proposal, any "active nest" could be taken, except one that was under construction or occupied. Under the final rule, only an

"inactive nest" may be taken, and by definition it must not be currently used by golden eagles.

The term "area nesting population" replaces the term "regional population." An area nesting population is "the number of pairs of golden eagles known to have made a nesting attempt during the preceding 12 months within a 10-mile radius of a golden eagle nest." The area nesting population is calculated with reference to the golden eagle nest proposed to be taken. Therefore, no two area nesting populations are identical.

A "nesting attempt" is "any activity by golden eagles involving egg-laying and incubation as determined by the presence of an egg attended by an adult, an adult in incubation posture, or other evidence indicating recent use of a golden eagle nest for incubation of eggs or rearing of young."

The Service, under the final rule, will consider the impact of a resource development or recovery operation on the area nesting population of golden eagles before a permit is issued. Within a 10-mile radius of a golden eagle nest proposed to be taken, an area of approximately 314 square miles, it is economically feasible to determine breeding population levels using available methods. The survey area is believed adequate for determining whether a representative portion of the breeding population exists in the vicinity of a resource development or recovery operation. Nesting densities of golden eagles most commonly range from 25 to 35 square miles per breeding pair. Thus, 9 to 13 pairs would be expected to occupy an area within a 10-mile radius of a nest.

One comment suggested that the Service use the term "area of contiguous habitat" in place of the term "regional." Such a substitution may create more confusion than it eliminates by requiring a decision to be made on the boundaries of the contiguous habitat. It also fails to recognize that concentrated populations may occur in adjacent habitats, causing inaccurate population estimates.

For clarity, the term "golden eagle nest" also is defined. The definition of "resource development or recovery" remains virtually unchanged, except for the addition of "power transmission lines" within the final definition.

One term, "mitigation measures," remains undefined. Several mitigation measures are identified in the rule, but these are not meant to preclude any others suggested by an applicant or later developed by the Service. A more detailed discussion of mitigation measures appear directly below under the topic of permit administration.

3. Permit Administration

The final rule permits the taking (i.e., destruction, removal, or physical molestation or disturbance) of golden eagle nests which conflict with a resource development or recovery operation when the nests are inactive (as defined), if the taking is compatible with the preservation of the area nesting population of golden eagles (i.e., that number of pairs of golden eagles that made a nesting attempt during the preceding 12 months within a 10-mile radius of any nest taken under the permit).

Anyone planning a resource development or recovery operation is encouraged to involve the Service as early as possible to resolve any potential interference by golden eagle nests. However, any permits issued before the commencement of an operation are contingent upon the performance of the activities which require a permit. If a planned operation fails, the permit is no longer needed and becomes invalid. Again, even after a permit is issued a nest may only be taken when it is inactive.

Applicants are encouraged to suggest "mitigation measures," which may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any golden eagle nest taken under permit, or establishing one or more artificial nest sites. The Service has identified only three types of mitigation measures, but more are possible. The goal of any mitigation measure is to encourage golden eagles to reoccupy the site of the resource development or recovery operation.

The final environmental assessment recommends restoration of disturbed lands for long-term reoccupancy by eagles as the principal mitigation measure. The relocation of nests taken under permit during the resource development or recovery operation or the establishment of artificial nest sites should be considered only when there is an expectation of long-term benefit to the area nesting population of golden eagles.

Closing access roads upon completion of an operation to minimize human contact, leaving a source of uncontaminated water, some reforestation, and removal of unnecessary power lines are additional reclamation actions which could be taken. In addition, other applicable laws may require an applicant to follow a particular manner of reclamation, which may also act as a mitigation measure.

Therefore, several variables will determine the terms and conditions, if any, imposed upon a permit by the Service: (1) The type of resource development or recovery operation, and (2) whether or not the operation is subject to pre-existing mitigation measures.

Some operations, such as surface mining and timbering, involve extensive surface disruption and a corresponding degradation of nesting and foraging habitat. Others, such as oil drilling, involve minor, isolated surface disruption and minimal degradation of habitat. However, mitigation measures are already required by other laws for most operations involving extensive surface disruption. The permanent program performance standards promulgated under the Surface Mining Control and Reclamation Act (SMCRA), which apply to almost all coal exploration and surface coal mining and reclamation operations, require mine operators to minimize disturbances and adverse impacts on fish, wildlife, and related environmental values and achieve enhancement of such resources where practicable. Restoration of land and water resources is ranked as a priority in reclamation planning. Further, Criterion Number 11 of the unsuitability criteria developed under Section 522 of SMCRA states:

(1) *Criterion Number 11.* A bald or golden eagle nest or site on Federal lands that is determined to be active and an appropriate buffer zone of land around the nest site shall be considered unsuitable. Consideration of availability of habitat for prey species and of terrain shall be included in the determination of buffer zones. Buffer zones shall be determined in consultation with the Fish and Wildlife Service.

(2) *Exceptions.* A lease may be issued if:

(i) It can be conditioned in such a way, either in manner or period of operation, that eagles will not be disturbed during breeding season; or
(ii) The surface management agency, with the concurrence of the Fish and Wildlife Service, determines that the golden eagle nest(s) will be moved.

(iii) Buffer zones may be decreased if the surface management agency determines that the active eagle nests will not be adversely affected. 43 CFR 3461.1(k).

By setting aside buffer zones, this criterion may eliminate the Service's concern for land reclamation as a mitigation measure when an inactive nest is taken in the vicinity of an active nest protected under this criterion.

Under the National Forest System administered by the Department of

Agriculture, the management of fish and wildlife habitat to maintain viable populations of existing native vertebrate species is given extensive consideration.

As indicated above, most golden eagle nest-resource development or recovery operation conflicts are expected to occur on lands which are subject to land reclamation regulations imposed by other laws. For the most part, these requirements should facilitate the restoration of disturbed eagle nesting and foraging habitat. The Service's concern is the the applicant identify those mitigation measures already incorporated into the project plan.

The construction of artificial nest sites was proposed by the Service as one type of mitigation measure. Whether the establishment of such sites should be treated as a mitigation measure was a question specifically put to the public. The Service's position at that time was that an artificial nest site has the potential to be subsequently used by golden eagles and is therefore a mitigation measure, particularly when no other suitable nest sites exist.

Since the rule was proposed, the Service has conducted research on the effects of golden eagle nest manipulations. These have included nest relocation, construction of artificial nest sites and studies of the breeding biology of golden eagles to understand more fully factors of nest site attachment and the short and long-term effects of nest removal on golden eagle populations of varying sizes. A Research Information Bulletin published by the Service entitled "Resolving Conflicts Between Energy Development and Nesting Golden Eagles" (No. 82-28, August 1982), an interim report containing provisional data, summarized some of the results to date. This provisional data indicates that golden eagles will use relocated nest sites. Similar successes were detailed by several commenters. Of course, merely moving a nest may be of limited benefit if other factors necessary to the birds' well-being and normally found within the home range are absent.

Whether feasible mitigation measures compatible with the resource development or recovery operation are available to encourage golden eagles to reoccupy the resource development or recovery site is only one of a number of issuance criteria that must be addressed before a permit may be issued. Other factors are:

1. Whether the applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest;
2. The total number of inactive golden eagle nests proposed to be taken;

3. The size of the area nesting population of golden eagles;

4. Whether suitable nesting and foraging habitat unaffected by the resource development or recovery operation is available to the area nesting population of golden eagles to accommodate any golden eagles displaced by the resource development or recovery operation; and

5. Whether the area nesting population is widely dispersed or locally concentrated.

The comments concerning permit administration raised a number of issues. One from the Department of the Interior's Office of Surface Mining (OSM) requested the Service (FWS) to include a consultation requirement whenever a resource development or recovery operation is subject to the Surface Mining Control and Reclamation Act (SMCRA) because of a potential conflict between the permanent program regulations promulgated under the SMCRA and the possible inability of an operator to obtain a permit to take a golden eagle nest located on a highwall created by surface mining. The comment specifically noted:

The Surface Mining Act requires that all highwalls be eliminated, and the pertinent regulations require that reclamation be done contemporaneously with mining. 30 U.S.C. 1205(b)(3); 30 CFR 816.100. In addition, the regulations specify certain time requirements for the completion of backfilling and grading. 30 CFR 816.101. These time requirements obviously conflict with any prohibition against "taking" an eagle nest.

For the most part, the conflict between the FWS and OSM regulations can be resolved under a provision in 30 CFR 816.101 which allows for an extension of time if the coal operator demonstrates to the appropriate regulatory authority that additional time is necessary to complete the required backfilling and grading. (The Office of Surface Mining anticipates that a majority of the State programs will provide for a similar extension of time so most likely the same flexibility will be available.)

Of course, such a determination must be made on a case-by-case basis, but nonetheless there is room for flexibility so that an operator is not caught in the dilemma of trying to decide whether to destroy the eagle nest or to disregard the reclamation requirements.

Presently, the extension of time provision appears to alleviate any conflict between the regulations.

[But] OSM can foresee lengthy delays in reclamation work. The Office of Surface Mining proposes that FWS add a consultation requirement to 50 CFR 22.25(c). In other words, the FWS Regional Director conducting the permit approval investigation should at least consult with the appropriate OSM Regional Director on the matter before denying a permit.

The Service agrees with the need for consultation, but not with the need to place the consultation requirement in the regulations. Such a requirement is more appropriate for internal procedures needed to administer the permit.

Already the Service has taken steps to:

1. Develop in-house procedures for handling requests, including consultation requirements with appropriate State and Federal officials. Service officials responsible for collecting and assessing the biological information required in decisionmaking will also be identified.

2. Assemble pertinent available data on golden eagles nesting density, such as nest locations and existing nests at which nesting attempts occurred, and organize this material for use by officials designated to issue permits. Priority is assigned to areas already being mined and those scheduled for leasing or development.

3. Develop a research/inventory program to provide solid data on which to base Service golden eagle management decisions. Accelerating leasing and development schedules make it essential that the Service undertake a major effort over the next two to three years, with the interim decisions available for updating operating plans on at least an annual basis.

4. Develop a golden eagle management plan to (a) provide an overview of the situation confronting management of the western populations of the golden eagle; (b) identify Service principles and goals regarding management of this species; (c) provide a comprehensive list of nationwide objectives for the species and identify problems confounding immediate attainment of these objectives; and (d) briefly outline potential Service strategy to implement management of the species.

One comment sought additional information on the criteria the Service will use to determine whether a permit is really necessary. In light of the Service's somewhat restrictive interpretation of the term "take" as it applies to nests, the instances when nests must be taken generally will occur during resource development or recovery operations involving extensive surface disruption. The applicant must demonstrate a need for the permit beyond mere convenience. Whether an applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest requires the Service to look at the cost and technical feasibility of alternatives while assessing the impact of the taking on the

area nesting population if the taking is permitted.

As stated earlier, applicants are encouraged to contact the Service as soon as possible during a resource development or recovery operation when a permit may be needed to take a golden eagle nest. There are several reasons. One, the Service needs at least 30 days to process an application. Under extraordinary circumstances, a permit may be issued sooner, but the Service does not have the administrative capability to issue permits immediately, as one commenter requested. Two, applicants must provide the data used to calculate the area nesting population of golden eagles. During each 12-month period there is only a brief "window" when golden eagles can be observed making nesting attempts. Otherwise the Service must rely on other evidence of nesting attempts, such as earlier observations or the presence of certain material at a nest, to determine whether a nesting attempt occurred at a particular nest. If the applicant and Service cooperate, together they can make the necessary determination of the area nesting population and terminate the determination when sufficient data has been obtained. For some areas the Service already has accumulated most of the required data. A limited update is all that may be necessary. In areas where no data has been collected, information is available from the Service in order to plan population studies and conduct aerial transects.

One comment objected to limiting the duration of permits to 1 year because of the time it takes to plan a major operation. The Service agrees and has extended the tenure of permits to 2 years. The permits, of course, are renewable under 50 CFR 13.24. Any mitigation measures included in a permit as a condition must be completed before the expiration of the permit, unless the permit is renewed. When mitigation measures are included, the Service will describe them in enough detail to enable both the permittee and the Service to determine whether they have been satisfied.

One commenter wanted to know how the Service will resolve disputes. Two areas of potential conflict between an applicant and the Service may be administratively appealed by the applicant under 50 CFR 13.32. These new appeal procedures were published by the Service in the *Federal Register* on July 15, 1982 (47 FR 30786). Under these procedures, an applicant can appeal denial of a permit, or appeal the mitigation measures imposed by the Service when a permit is issued.

Two minor additional changes have been made. Permittees are required to notify the Service before a nest is taken, not after, so the Service can have a last minute opportunity to inspect the nest. Also, applicants are asked if they are willing to collect a nest, instead of destroy it in instances where the Service would authorize destruction, to enable members of the scientific community to have access to the nest for various scientific studies. In no case does a nest taken under permit become the property of the permittee.

Finally, as noted below, the Service has made a Finding of No Significant Impact under the National Environmental Policy Act of 1969 (NEPA) based upon an environmental assessment completed in conjunction with this final rule. Another environmental document is not required for each permit that is issued. Under section 1.4 of Appendix 1 to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 1.4), the issuance of these permits is categorically excluded from the NEPA process.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this final rule by the Service's Office of Migratory Bird Management. It is on file in the Division of Law Enforcement, 1375 K Street, NW., Suite 300, Washington, D.C., and may be examined during regular business hours. Single copies are also available upon request by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Paperwork Reduction Act

The information collection requirement contained in 50 CFR 22.25 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0022.

Determinations of Effects

In accordance with Executive Order 12291 entitled "Federal Regulation," the Department of the Interior has determined that this final rule is not major. Certain resource development or recovery operations in limited areas should become feasible where interference from golden eagle nests

exists. No figures are available on the number of permits likely to be issued, but the permits will be free and relatively easy to secure. Any costs associated with the permit should be more than offset by the fact that an impediment has been removed from a resource development or recovery operation. This determination is discussed in more detail in a Determination of Effects prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." Because this rule was proposed before January 1, 1981, the Regulatory Flexibility Act (Pub. L. 96-354) does not apply.

Primary Author

The primary author of this final rule is John T. Webb, Division of Law Enforcement, Fish and Wildlife Service.

List of Subjects

50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Reporting requirements, Wildlife.

50 CFR Part 22

Exports, Imports, Reporting requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

1. The authority citation for Part 13 reads as follows:

Authority: 16 U.S.C. 42; sec. 4, Pub. L. 97-79, 95 Stat. 1074 (16 U.S.C. 3373); sec. 7, Pub. L. 97-79, 95 Stat. 1078 (16 U.S.C. 3376); sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712; sec. 2, 54 Stat. 251, as amended by sec. 9, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a); sec. 102, 76 Stat. 73 (19 U.S.C. 1201, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States"; sec. 9(d), Pub. L. 93-205, 87 Stat. 893 (16 U.S.C. 1538(d); sec. 6(a)(1), Pub. L. 96-159, 93 Stat. 1228 (16 U.S.C. 1537a); E.O. 11911, 41 FR 15683, 3 CFR, 1976 Comp., p. 112, sec. 101 Pub. L. 93-205, 87 Stat. 896, as amended by secs. 2 and 3, Pub. L. 94-359, 90 Stat. 3760; sec. 7, Pub. L. 96-359, 90 Stat. 911 and 912; sec. 5, Pub. L. 95-632, 92 Stat. 3760; sec. 7, Pub. L. 96-159, 93 Stat. 1230 (16 U.S.C. 1539); sec. 11, Pub. L. 93-205, 87 Stat. 897, as amended by sec. 6(4), Pub. L. 95-632, 92 Stat. 3761 (16 U.S.C. 1540(b)(2)(F); sec.

13(d), 86 Stat. 905, amending 85 Stat. 480 (16 U.S.C. 742j-1); Title I sec. 112, Pub. L. 92-522, 86 Stat. 1042, as amended by Title II, sec. 201(e), Pub. L. 96-470, 94 Stat. 2241 (16 U.S.C. 1382); 65 Stat. 290 (31 U.S.C. 483(a)).

§ 13.12 [Amended]

2. Amended § 13.12(b) by adding the following entry in numerical order under "Eagle permits:"

Take of golden eagle nests	22.25
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PART 22—EAGLE PERMITS

3. The authority citation for Part 22 is revised to read as follows:

Authority: Sec. 2, Act of June 8, 1940, chapter 278, 54 Stat. 251; Pub. L. 87-844, 76 Stat. 1246; section 2, Pub. L. 92-535, 86 Stat. 1065; section 9, Pub. L. 95-616, 92 Stat. 3114 (16 U.S.C. 668a).

§ 22.3 [Amended]

4. Amend § 22.3 by adding the following definitions in alphabetical order:

"Area nesting population" means the number of pairs of golden eagles known to have a nesting attempt during the preceding 12 months within a 10-mile radius of a golden eagle nest.

"Golden eagle nest" means any readily identifiable structure built, maintained or occupied by golden eagles for propagation purposes.

"Inactive nest" means a golden eagle nest that is not currently used by golden eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken.

"Nesting attempt" means any activity by golden eagles involving egg laying and incubation as determined by the presence of an egg attended by an adult, an adult in incubation posture, or other evidence indicating recent use of a golden eagle nest for incubation of eggs or rearing of young.

"Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of any State or political subdivision of a State.

"Resource development or recovery" includes, but is not limited to, mining, timbering, extracting oil, natural gas and geothermal energy, construction of roads, dams, reservoirs, power plants, power transmission lines, and pipelines,

as well as facilities and access routes essential to these operations, and reclamation following any of these operations.

5. Add the following new § 22.25:

§ 22.25 Permits to take golden eagle nests.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing any person to take golden eagle nests during a resource development or recovery operation when the nests are inactive, if the taking is compatible with the preservation of the area nesting population of golden eagles. The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to the criteria established in this section for the issuance or denial of such permits. The obligation to respond is required to obtain or retain a permit.

(a) *Application procedure.* Applications for permits to take golden eagle nests must be submitted to the appropriate Special Agent in Charge (see § 13.11(b) of this chapter). Applications are only accepted from persons engaged in a resource development or recovery operation, including the planning and permitting stages of an operation. Each application must contain the general information and certification required by § 13.12(a) of this chapter plus the following additional information:

(1) A description of the resource development or recovery operation in which the applicant is engaged;

(2) The number of golden eagle nests proposed to be taken;

(3) A description of the property on which the taking is proposed, with reference made to its exact geographic location. An appropriately scaled map or plat must be included which delineates the area of the resource development or recovery operation and identifies the exact location of each golden eagle nest proposed to be taken. The map or plat must contain enough detail so that each golden eagle nest proposed to be taken can be readily located by the Service.

(4) For each golden eagle nest proposed to be taken, the applicant must calculate the area nesting population of golden eagles and identify on an appropriately scaled map or plat the exact location of each golden eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population. The map or plat must contain enough details so that each golden eagle nest used to calculate the area nesting population can be readily located by the Service.

(5) A description of each activity to be performed during the resource development or recovery operation which involves the taking of a golden eagle nest;

(6) A statement with any supporting documents from ornithologists experienced with golden eagles or other qualified persons who have made on site inspections and can verify the applicant's calculation of the area nesting population;

(7) The length of time for which the permit is requested, including the dates on which the proposed resource development or recovery operation is to begin and end;

(8) A statement indicating the intended disposition of each nest proposed to be taken. Applicants should state whether they are willing to collect any nest for scientific or educational purposes; and

(9) A statement indicating any proposed mitigation measures that are compatible with the resource development or recovery operation to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any inactive golden eagle nest taken, or establishing one or more nest sites. If the establishment of one or more nest sites is proposed, a description of the materials and methods to be used and the exact location of each artificial nest site must be included.

(b) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this chapter, permits to take golden eagle nests are subject to the following additional conditions:

(1) Only inactive golden eagle nests may be taken.

(2) The permittee shall submit a report of activities conducted under the permit to the Director within ten (10) days following the permit's expiration;

(3) The permittee shall notify the Director in writing at least 10 days but

not more than 30 days before any golden eagle nest is taken;

(4) The permittee shall comply with any mitigation measures determined by the Director to be feasible and compatible with the resource development or recovery operation; and

(5) Any permit issued before the commencement of a resource development or recovery operation is invalid if the activity which required a permit is not performed.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take any golden eagle nest unless such taking is compatible with the preservation of the area nesting population of golden eagles. In making such determination, the Director shall consider the following:

(1) Whether the applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest;

(2) The total number of golden eagle nests proposed to be taken;

(3) The size of the area nesting population of golden eagles;

(4) Whether suitable golden eagle nesting and foraging habitat unaffected by the resource development or recovery operation is available to the area nesting population of golden eagles to accommodate any golden eagles displaced by the resource development or recovery operation;

(5) Whether feasible mitigation measures compatible with the resource development or recovery operation are available to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any golden eagle nest taken, or establishing one or more nest sites; and

(6) Whether the area nesting population is widely dispersed or locally concentrated.

(d) *Tenure of permits.* The tenure of any permit to take golden eagle nests is 2 years from the date of issuance, unless a shorter period of time is prescribed on the face of the permit. Permits may be renewed in accordance with Part 13 of this chapter.

Dated: March 10, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-34401 Filed 12-28-83; 9:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 215, 216, 222, 250, 253, 255, 256, 258, 259, 296, 401, 663, and 674

[Docket No. 31223-247]

Marine Mammals, Aid to Fisheries, Continental Shelf, Endangered Species, and Domestic Fishing Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical amendments.

SUMMARY: NOAA issues this final rule to amend regulations that do not display currently valid Office of Management and Budget (OMB) control numbers. Agencies are required under the Paperwork Reduction Act, to publish in the *Federal Register* OMB control numbers for each collection of information in codified regulations. The intended effect is to make it clear that the collection of information contained in a regulation has been approved by OMB.

EFFECTIVE DATE: December 30, 1983.

FOR FURTHER INFORMATION CONTACT:

Donna D. Turgeon, 202-634-7432.

List of Subjects in 50 CFR Parts 215, 216, 222, 250, 253, 255, 256, 258, 259, 296, 401, 663, and 674

Reporting and recordkeeping requirements.

Dated: December 23, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons stated in the Summary, 50 CFR Parts 215, 216, 222, 250, 253, 255, 256, 258, 259, 296, 401, 663, and 674 are amended as follows:

PART 215—PRIBILOF ISLANDS

1. The authority citation for Part 215 reads as follows:

Authority: Pub. L. 89-702, 80 Stat. 1001 [16 U.S.C. 1151-1187]; Reorganization Plan No. 4 of 1970, 84 Stat. 2090.

§§ 215.12 and 215.13 [Amended]

2. In §§ 215.12 and 215.13, place the parenthetical phrase "(Approved by the Office of Management and Budget under control numbers 0648-0084 and 0648-0085)" at the end of each respective section.