

(8) Shipments in District 5 from July 15 through August 31.

[Approved by the Office of Management and Budget under Control No. 0581-0070]

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 7, 1983, to become effective July 5, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-18612 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1736

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Rural Electrification Administration (REA) regulations by adding a section that lists and identifies the REA electric program Bulletins containing the construction standard and specifications for materials and equipment that have been approved for incorporation by reference by the Director of the Office of the Federal Register. This rule is intended to provide REA borrowers and the public with a comprehensive list of the electric standards and specifications that are incorporated by reference. This rule also contains the final rule for REA Specifications and Drawings for 12.5/7.2 kV Line construction, contained in REA Bulletin 50-3 (D-804), in order for this Bulletin to be included in the list of electric standards and specifications Bulletins approved for incorporation by reference.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Archie W. Cain, Director, Engineering Standards Division, Rural Electrification Administration, Room 1256-S, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-9082.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act of 1936 (Act), as amended (7 U.S.C. 901 et seq.), the Rural Electrification Administration (REA) is adding a Part to the REA regulations (7 CFR 1736) that lists and identifies the REA bulletins that contain

electric construction standards and specifications for materials and equipment that have been approved for incorporation by reference by the Director of the Office of the Federal Register. This final action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity, and, therefore, has been determined to be "not major." This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A-95 review requirements. This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees.

Background

The Rural Electrification Administration (REA) maintains a system of Bulletins that contain construction standards and specifications for materials and equipment which are applicable to electric system facilities constructed by REA, electric borrowers in accordance with the REA loans contract. These standards and specifications contain REA's requirements for specific construction units, material items and equipment units commonly used in REA electric borrowers' systems. The REA Bulletins for the electric program containing these standards and specifications are set forth in the "50 series" Bulletins.

REA proposed the issuance of REA Bulletin 50-3, with revision of construction standard (D-804), Specifications and Drawings for 12.5/7.2 kV Line Construction, in the *Federal Register*, Volume 47, No. 167, pages 37913-37914, August 27, 1982. The last revision of this construction standard was dated September 1962. This revision will update the material and include new structures and assemblies and should significantly improve the borrower's basis for selection.

Interested parties were given sixty (60) days in which to express their views on the proposed rule; however, comments received after the sixty-day period were also considered by REA. The August 27, 1982, notice in the *Federal Register* elicited the following major comments on the proposed rule:

(a) *Comment:* It was suggested that narrow profile assemblies be included in the construction drawings.

Response: Narrow profile construction is presently allowed only in scenic areas and locations where the right of way is limited. The borrower must obtain specific approval from REA for this type of construction. It is felt that any cost savings will be minimal because shorter spans are necessary, resulting in more structures in a section of line than by using standard construction. Also, it may not be possible to climb the pole to perform maintenance when the line is energized; that is, bucket trucks may be necessary. Therefore, REA has decided not to include narrow profile assembly drawings as standard construction drawings. For information concerning narrow profile construction, borrowers should refer to REA Bulletin 61-12, Guide for Narrow Profile and Armless Construction.

(b) *Comment:* It was suggested that the drawings show the use of tap stirrups.

Response: In previous years, the use of tap stirrups proved to be unsatisfactory due to conductor breakage on lines subject to vibration. This was verified by testing performed at the National Bureau of Standards. Therefore, REA does not recommend the use of tap stirrups.

(c) *Comment:* It was suggested that a new drawing be added showing the use of a crossarm assembly similar to those listed on page gj of REA Bulletin 43-5, List of Materials Acceptable for Use on Systems of REA Electrification Borrowers.

Response: This comment was accepted. The designation of the new drawing is C7A.

(d) *Comment:* This comment was suggested that white pin insulators not be used for neutral identification since these insulators are available only by special order.

Response: This comment was accepted because a check with insulator manufacturers indicated that white insulators are not readily available.

(e) *Comment:* It was suggested that in reference to in-line (line tension) switches, the switches should be connected to deadend insulators instead of to clamp top post insulators.

Response: This comment was acceptable as it was felt that this would result in a structure that would be easier to maintain. It also would not require the use of non-standard equipment such as clamp top insulators.

(f) Other minor and editorial comments were received. These included the correction of misspelled

words and the correction of loadings indicated on the drawings. Comments suggesting the addition of special assemblies that would be used infrequently were not accepted. A paragraph was added to the specifications advising the users of this bulletin about Federal Aviation Administration regulations concerning tall structures near airports.

One copy of Bulletin 50-3 is being mailed to each REA electric borrower. Persons interested in additional copies of REA Bulletin 50-3 (D-804) should see below.

These standards and specifications previously have been published in Appendix A, by REA. As a result, the Agency finds for good cause that further notice and public procedure at this time are impracticable, unnecessary, or contrary to the public interest.

In view of the above, Part 1736 is added to 7 CFR Chapter XVII to read as follows:

PART 1736—ELECTRIC STANDARDS AND SPECIFICATIONS

Sec.
1736.1-1736.96 [Reserved].

1736.97 Incorporation by Reference of Electric Standards and Specifications.

Authority: 7 U.S.C. 901 et seq. and 7 U.S.C. 1821 et seq.

§ 1736.97 Incorporation by reference of electric standards and specifications.

(a) The following electric Bulletins have been approved for incorporation by reference by the Director of the Office of the Federal Register. The Bulletins containing construction standard (50-1 to 50-14) and Bulletin 50-18 (DT-5C), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Bulletins containing specifications for materials and equipment (50-15 to 50-99) may be obtained from the Rural Electrification Administration, Administrative Services Division, Room 0175-S, Washington, D.C. 20250.

The bulletins are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, D.C. 20408. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the Federal Register.

(b) Bulletin 50-1 (T-805), Electric Transmission Specifications and Drawings (2-73)
Bulletin 50-3 (D-804), Specifications and Drawings for 12.5/7.2 kV Line Construction (4-83)

Bulletin 50-5 (D-803), Specifications and Drawings for 14.4/24.9 kV Line Construction (9-69)

Bulletin 50-6 (D-806), Specifications and Drawings for Underground Electric Distribution (1-75)

Bulletin 50-15 (DT-3), REA Specifications for Pole Top Pins with 1 1/2" Diameter Lead Thread (1-51)

Bulletin 50-16 (DT-4), REA Specifications for Angle Suspension Brackets (3-52)

Bulletin 50-17 (DT-5B), REA Specifications for Wood Crossarms (Solid and Laminated), Transmission Timbers and Pole Keys (1-72)

Bulletin 50-18 (DT-5C), REA Specification for Wood Poles, Stubs and Anchor Logs (1-82)

Bulletin 50-19 (DT-7), REA Specifications for Clevis Bolts (8-53)

Bulletin 50-23 (DT-18), REA Specifications for 60" Wood Crossarm Braces (2-71)

Bulletin 50-31 (D-3), REA Specifications for Pole Top Pins with 1" Diameter Lead Threads (2-79)

Bulletin 50-32 (D-4), REA Specifications for Steel Crossarm Mounted Pins with 1" Diameter Lead Threads (10-50)

Bulletin 50-33 (D-5), REA Specifications for Single and Double Upset Spool Bolts (2-51)

Bulletin 50-34 (D-6), REA Specifications for Secondary Swinging Clevises (12-70)

Bulletin 50-35 (D-7), REA Specifications for Service Swinging Clevises (9-52)

Bulletin 50-36 (D-8), REA Specifications for Service Deadend Clevises (9-52)

Bulletin 50-40 (D-14), REA Specifications for Pole Top Brackets for Channel Type Pins (9-51)

Bulletin 50-41 (D-15), REA Specifications for Service Wireholders (11-51)

Bulletin 50-55 (T-2), REA Specifications for Overhead Ground Wire Support Brackets (5-53)

Bulletin 50-56 (T-3), REA Specifications for Steel Plate Anchors for Transmission Lines (12-53)

Bulletin 50-60 (T-9), REA Specification—Single Pole Steel Structures, Complete with Arms (12-71)

Bulletin 50-70 (U-1), REA Specification for 15 and 25 kV Primary Underground Power Cable (10-79)

Bulletin 50-72 (U-4), REA Specification for Electrical Equipment Enclosures (5-35 kV) (10-79)

Bulletin 50-73 (U-5), REA Specifications for Pad-Mounted Transformers (Single and Three-Phase) (1-77)

Bulletin 50-74 (U-6), REA Specification for Secondary Pedestals (600 Volts and Below) (10-79)

Bulletin 50-91 (S-3), REA Specifications for Step-Down Distribution Substation Transformers (34.4-138 kV) (1-78)

Bulletin 50-92 (S-4), REA Specifications for Step-Up Substation Transformers (2-63)

List of Subjects in 7 CFR Part 1736

Electric utilities, Engineering standards.

Dated: May 9, 1983.

Jack Van Mark,
Acting Administrator.

[FR Doc. 83-18670 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-15-M

Forest Service

36 CFR Part 251

Land Uses; Technical Amendment

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This rule corrects a longstanding error in the headings and text of 36 CFR 251.10 and 251.11 by changing the references to Harney National Forest and Custer State Park Game Sanctuary. This change is necessary to reflect redesignations of these sites by Public Land Order and an act of Congress respectively. Accordingly, the authority citations for these sections are also revised. These errors were recently identified during a routine administrative review of Chapter II of Title 36 of the Code of Federal Regulations.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Marian Connolly, Federal Register Liaison Officer, Forest Service, USDA, (202) 447-4234.

SUPPLEMENTARY INFORMATION: Regulations set forth at 36 CFR 251.10 and 251.11 respectively prohibit location of mining claims and establish procedures governing mining locations in the Custer State Park Game Sanctuary of the Harney National Forest in South Dakota. These regulations were issued July 1, 1948, at 13 FR 3676. By the Act of October 6, 1949 (63 Stat. 708), Congress redesignated the Custer State Park Game Sanctuary as the "Norbeck Wildlife Preserve." Subsequently, by Public Land Order 1016 of October 4, 1954 (19 FR 6500), the Harney National Forest was abolished and its lands were transferred to, and consolidated with those of, the Black Hills National Forest. The redesignation of the Game Sanctuary and the abolition of the Harney National Forest were never

reflected in the headings and text of 35 CFR 251.10 and 251.11 or in the authority citations for these sections. This oversight was recently identified and is now being corrected by this rule.

This rule is a minor, technical amendment. As such, it is exempt from regulatory review under E. O. 12291 and the Regulatory Flexibility Act. To obtain public comment on a rule of such a minor, technical nature is impractical and unnecessary. The rule is effective upon publication in order to be incorporated into the forthcoming annual revision of the Code of the Federal Regulations.

List of Subjects in 36 CFR Part 251

Electric power, Environmental protection, Mineral resources, National forests, Public Lands—acquisition and exchange, Rights-of-way, Water resources, Watersheds.

Therefore, for the reasons set forth in the preamble, Part 251 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 251—LAND USES (AMENDED)

1. The authority citation for both 36 CFR 251.10 and 251.11 is revised to read as follows:

(Sec. 1, 62 Stat. 580; Sec. 1, 63 Stat. 708; 16 U.S.C. 678a)

2. All references in the headings and text of 36 CFR 251.10 and 251.11 to the Harney National Forest and the Custer State Park Game Sanctuary are revised to read "Black Hills National Forest" and "Norbeck Wildlife Preserve" respectively.

Dated: July 7, 1983.

John B. Crowell, Jr.

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83-18759 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 40

Intergovernmental Review of VA Programs and Activities

AGENCY: Veterans Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects authority citations contained in final regulations implementing provisions of Executive Order 12372.

Intergovernmental Review of Federal Programs, which were published June 24, 1983 (48 FR 29404).

FOR FURTHER INFORMATION CONTACT: Ed Arnold, Office of Program Planning

and Evaluation (07B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2608.

Dated: July 6, 1983.

Nancy C. McCoy,

Assistant Director for Administrative Issues Review.

PART 40—(AMENDED)

Accordingly, the Veterans Administration is correcting 38 CFR Part 40 by removing the cite "[38 U.S.C. 4231(b)]" following each section, and inserting after each section the cite "[42 U.S.C. 4231(b)]".

[FR Doc. 83-18717 Filed 7-11-83; 8:45 am]

BILLING CODE 5320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Ch. II

Interim Management Policy and Guidelines

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of change to the interim management policy and guidelines for lands under wilderness review.

SUMMARY: The Interim Management Policy and Guidelines for Lands Under Wilderness Review (IMP), published in the Federal Register on December 12, 1979 (44 FR 72014) is being changed with respect to: (1) Valid existing rights; (2) mineral leases issued on or before October 21, 1976 (the date of approval of the Federal Land Policy and Management Act—FLPMA); (3) pre-FLPMA valid mining claims; (4) rights-of-way and access; and (5) the reclamation standard used in the "nonimpairment criteria."

EFFECTIVE DATE: July 12, 1983.

ADDRESS: Any inquiries or suggestions should be sent to: Director (342), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gary G. Marsh, Division of Recreation, Cultural, and Wilderness Resources, Telephone (202) 343-6064.

SUPPLEMENTARY INFORMATION: The changes are as follows:

Changes Concerning Valid Existing Rights

The following changes reflect recent changes in the treatment of valid existing rights under section 603 of the Federal Land Policy and Management Act. The changes simplify the IMP with

respect to the use and development of valid existing rights outstanding on October 21, 1976. The changes also clarify the relationship between valid existing rights and the nonimpairment standard.

1. The change to the Interim Management Policy published in the Federal Register on April 6, 1981, (46 FR 20607) is hereby revoked.

2. On page 72017 (44 FR 72017, December 12, 1979) under the Valid Existing Rights section, delete the fifth sentence in the second paragraph.

3. In Chapter I, section B.6.c, delete the third paragraph.

4. In Chapter I, section B.6.c, the last paragraph is amended to read: "It is the use, rather than the claim, that is grandfathered. A grandfathered mineral use may continue in the same manner and degree onto adjacent claims held by the same person."

5. In Chapter I, section B.6.c, the following new final paragraph is added: "The policy on grandfathered uses is usually not applicable to pre-FLPMA mineral leases, because such leases enjoy greater development opportunities under the policy on valid existing rights (see section 7 below). However, the grandfathered uses policy may apply where the holder of a pre-FLPMA lease wishes to continue operations in the same manner and degree from the pre-FLPMA lease onto an adjacent post-FLPMA lease."

6. In Chapter I, section B.7, delete the first paragraph, and insert in lieu thereof:

7. Valid Existing Rights. "Valid existing rights as of October 21, 1976 will be recognized. Examples of valid existing rights include: a valid mining claim, a mineral lease, or a right-of-way authorization. Valid existing rights are not absolute. The scope of a valid existing right depends upon any conditions, stipulations or limitations stated in the law or approval document that created the right. For instance, if a lease contains a stipulation prohibiting surface occupancy, then the valid existing right for that lease does not include the right to occupy the surface of the leasehold. If the holder of valid existing rights transfers a claim, lease, or assigns a right-of-way authorization to another person, the same valid existing right will be recognized in the new holder. However, a valid existing right is tied to a particular claim, lease, or right-of-way authorization, and cannot be transferred or assigned to a different claim, lease, or right-of-way location.

Valid existing rights limit the nonimpairment standard. Although the

nonimpairment standard remains the norm, valid existing rights that include the right to develop may not be restricted to the point where the restriction unreasonably interferes with enjoyment of the benefit of the right. Resolution of specific cases will depend upon the nature of the rights conveyed and the site-specific conditions involved. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

7. In Chapter I, section B.7.a, delete the first paragraph, and insert in lieu thereof:

a. Mining Claims. "Mining claimants are recognized as having a valid existing right if a valid discovery had been made on the claim on or before October 21, 1976 and the claim continues to be supported by such a discovery. Activities for the use and development of such claims must satisfy the nonimpairment criteria unless this would unreasonably interfere with the claimant's rights of use and enjoyment of the claim. When it is determined that the claimant's possessory rights conveyed can be exercised only through activities that will permanently impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed. Before beginning activities whose impacts would impair wilderness suitability, the claimant must show evidence of discovery to BLM. See also 43 CFR 3802.1-5(b)(2)."

8. In Chapter I, delete section B.7.b and insert in lieu thereof:

b. Leases. "Valid existing rights for mineral leases issued on or before October 21, 1976, are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will permanently impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

9. In Chapter I, section B.8, the final sentence is amended to read: "Claimants with a pre-FLPMA discovery are recognized as having valid existing rights [see section 7 above]."

10. In Chapter II, delete section B.1.b and insert in lieu thereof:

b. "Is the activity part of the development of a valid existing right (such as a valid mining claim, mineral lease, or right-of-way authorization in effect as of October 21, 1976)? (Consult the applicable policies in Chapter I.B.7, III.C. 2 and 4, and III.J.)"

Changes Concerning Pre-FLPMA Leases

The following changes apply the current approach on valid existing rights to the specific sections of the IMP concerning pre-FLPMA leases.

1. In Chapter III, section J, delete the fourth paragraph.

2. In Chapter III, section J, paragraph 6, delete the words:

"In other words, if there were no pre-FLPMA grandfathered activities, post-FLPMA operations would not be allowed if they would impair wilderness suitability."

3. In Chapter III, delete section J.1.a, and insert in lieu thereof:

a. Pre-FLPMA Leases. "All pre-FLPMA leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

4. In Chapter III, delete section J.2.a and insert in lieu thereof:

a. Pre-FLPMA Leases. "All pre-FLPMA coal leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation."

Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

5. In Chapter III, delete section J.3.a and insert in lieu thereof:

a. Pre-FLPMA Leases. "There are no pre-FLPMA leases for tar sand and only four pre-FLPMA oil shale leases. All pre-FLPMA oil shale leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

6. In Chapter III, delete section J.4.a and insert in lieu thereof:

a. Pre-FLPMA Leases and Permits. "All pre-FLPMA leases and permits are valid existing rights, but the rights are dependent upon the specific terms and conditions of the lease or permit, including any stipulations attached. Activities for the use and development of such leases and permits must satisfy the nonimpairment criteria unless this would unreasonably interfere with development of the lessee or permittee as set forth in their mineral lease or permit. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

Changes Concerning Mining Claims

1. In the Introduction, in the section entitled "Appropriation Under the Mining Laws," first paragraph, the last sentence is amended to read: "(Of course, mining activities covered by the grandfather provision and certain valid existing rights are exceptions or limitations to the nonimpairment mandate.)"

2. The following change applies the current approach on valid existing rights to a specific section of the IMP concerning pre-FLPMA valid mining claims. This change does not affect the procedures established by the regulations 43 CFR Part 3802, but it does

change one of the standards to be used by BLM in reviewing mining activities under those regulations. In Chapter III, delete section J.5.b and insert in lieu thereof:

b. Valid Existing Rights. "All mining claimants who located claims on or before October 21, 1976, and are able to demonstrate a discovery as of that date, as required under the 1872 Mining Law, as amended (prudent man test), and at the time of approval of a plan of operations under Part 3802 of this Title will be allowed to continue their mining operations to full development. Activities for the use and development of such claims must satisfy the nonimpairment criteria unless this would unreasonably interfere with the claimant's possessory rights of use and enjoyment of the claim. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed.

Before the BLM will grant approval of operations that do not satisfy the nonimpairment criteria, the operator will be required to show evidence of a pre-FLPMA discovery. If warranted, BLM may verify data through a field examination and, only if necessary, initiate contest proceedings. If claims have a pre-FLPMA discovery and are otherwise properly located and maintained under the mining laws, then the nonimpairment standard may be exceeded. All operations will be regulated to prevent unnecessary or undue degradation of the lands until the claims are patented. (Any claim patented in the California Desert Conservation Area will continue to be regulated to prevent unnecessary or undue degradation even after the claim has been patented). All operations are subject to the regulations in 43 CFR Part 3802, specifying in what circumstances and in what manner notification is required."

Changes Concerning Rights-of-Way and Access

The following changes apply the current approach on valid existing rights to specific sections of the IMP concerning rights-of-way and access:

1. In Chapter III, delete the second paragraph of section C.2 and insert in lieu thereof:

"New rights-of-way may be approved for temporary uses that satisfy the nonimpairment criteria. New rights-of-way may be approved for any uses that do not satisfy the nonimpairment

criteria only under the following conditions:

(a) Where such access qualifies as part of the same manner and degree of grandfathered mineral uses and there is no reasonable, less impairing, alternative access available;

(b) In cases of valid existing rights where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the exercise of those rights. (Examples of such valid existing rights may include certain mineral leases and right-of-way authorizations in effect on October 21, 1976. In each case the BLM's decision will depend upon the nature of the rights conveyed and the site-specific conditions involved); or

(c) In cases of non-Federal land where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the enjoyment of the landowner's rights. (In each case, the BLM's decision will depend upon the nature of the rights conveyed and the site-specific conditions involved.)

2. In Chapter III, section C.3, in the fifth sentence delete the words "the nonimpairment criteria" and insert in lieu thereof: "section C.2 above".

3. In Chapter III, delete section C.4 and insert in lieu thereof:

4. Access to Mining Claims. "Access to mining claims may be approved in the form of temporary activities or routes that satisfy the nonimpairment criteria. Construction of temporary or permanent access routes to mining claims not satisfying the nonimpairment criteria may be approved only under the following conditions:

(a) Where such access qualifies as part of the same manner and degree of grandfathered mining uses and there is no reasonable, less impairing, alternative access available; or

(b) In cases of mining claims that had a valid discovery as of October 21, 1976, under criteria described in section J of this chapter, and the BLM has determined that application of the nonimpairment standard would unreasonably interfere with development of the claim. (In each case under point (b) the BLM's decision will depend on the site-specific conditions involved.)"

Changes Concerning the Nonimpairment Criteria

1. In the Introduction, in the section entitled "Nonimpairment", paragraph 6, delete: "Management under the nonimpairment standard, to which there are two exceptions described later, has these goals:" and insert in lieu thereof: "Management under the nonimpairment

standard (which has only limited application to certain activities described below under "Grandfathered Uses", "Appropriation Under the Mining Laws," and "Valid Existing Rights") has these goals:" 2. The following changes modify the reclamation standard in the "nonimpairment criteria" to clarify that restoration to the original contour is not required. As a result of these changes, operators will have the option of submitting a modified plan of operation based on the new standard. The change, do not affect the procedures established for mining activities by the regulations 43 CFR 3802, but they do change one of the standards to be used by BLM in reviewing mining activities under those regulations.

In Chapter I, delete the second sentence of the second paragraph in section B.2.b.

In Chapter II, delete the second sentence of the second paragraph in section B.2.b.

In Chapter III, in the introduction section entitled "Nonimpairment Criteria", delete the second sentence of the second paragraph of section (b).

In Appendix A, delete the second sentence of the second paragraph of criterion (b).

Insert in lieu of each of the above four deletions the following:

"Reclamation will include the contouring of the topography to a natural appearance (not necessarily to the original contour), the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring."

Dated: June 27, 1983.

Robert F. Burford,

Director.

[FR Doc. 83-18404 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72, Phase I; FCC 83-252]

Access Charges; MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC, pursuant to the *Fourth Supplemental Notice of Inquiry and Proposed Rulemaking* published on June 21, 1982, at 47 FR 26668, and to the *Third Report and Order* published on March 11, 1983, 48 FR 10319, adopts rules for