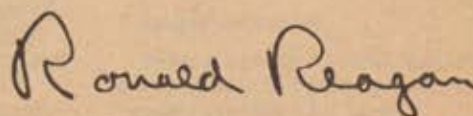


Presidential Documents

Executive Order 12437 of August 11, 1983

Fuel Use Prohibitions

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to eliminate unnecessary administrative burdens and costs associated with the conversion of certain Federal powerplants to alternative sources of fuel, as required by the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3289), it is hereby ordered that Executive Order No. 12217 is revoked.



THE WHITE HOUSE,
August 11, 1983.

[FR Doc. 83-22407

Filed 8-12-83; 10:29 am]

Billing code 3195-01-M

Executive Order 12017, August 11, 1981

Final Rule 12017

The Department of Agriculture has issued this final rule to implement Executive Order 12017, August 11, 1981, which directed the Secretary to review and, if necessary, revise the Department's policies and procedures regarding the use of federal lands for the purpose of protecting the environment. This rule is necessary to ensure that the Department's policies and procedures are consistent with the Executive Order and to provide for the protection of the environment.

Robert D. [Signature]

THE SECRETARY
DEPARTMENT OF AGRICULTURE

Rules and Regulations

Federal Register

Vol. 48, No. 158

Monday, August 15, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 550 and 551

Pay Administration (General) and Federal Pay Administration Under the Fair Labor Standards Act; Computing Fractional Hours of Overtime Work

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations under the premium pay provisions of title 5, United States Code, and the overtime pay provisions of the Fair Labor Standards Act for the treatment of fractional hours of overtime work for time spent by covered Federal employees in principal activities and for time spent by covered Federal employees in preshift/postshift activities. These regulations will simplify pay administration by providing the same administrative procedures for crediting fractional hours of overtime work and for determining the creditability of time spent in preshift and postshift activities under the two laws. They are intended to meet the unique needs of the Federal workplace and to accomplish the integration of applicable provisions of civil service laws with those of the Fair Labor Standards Act.

EFFECTIVE DATE: September 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Angel, (202) 632-4684; Dwight Brown (202) 632-4634.

SUPPLEMENTARY INFORMATION: Effective January 29, 1981, OPM published final regulations (45 FR 85659) for Federal pay administration under the Fair Labor Standards Act (FLSA). Those regulations provided, in part, administrative procedures for the

treatment of fractional hours of overtime work that were based on the treatment of such work in the private sector. In the supplementary information for those regulations, we stated that we would be changing 5 CFR Part 550 to provide the same administrative procedures for the computation of fractional hours of overtime work under title 5, U.S. Code. The Comptroller General had informed us that he would have "no legal objection" to that regulatory amendment.

On July 2, 1982, OPM published proposed regulations (47 FR 28962) for the computation of fractional hours of overtime work performed by Federal employees under title 5, U.S. Code, and Federal employees under the FLSA. Those regulations provided identical administrative procedures under both laws for the treatment of time spent in principal activities and time spent in preshift/postshift activities.

We received comments on those proposed regulations from eight agencies, one union representing Federal employees, and four trade associations representing the meat industry. The comments and our actions on those comments are summarized as follows:

General

To address the concerns of these organizations, OPM has amended the proposed regulations:

(1) To more clearly distinguish between time spent in principal activities (activities an employee is hired to perform) and time spent in preshift/postshift activities (activities performed before or after the employee's principal activities) and

(2) To delete the proposed requirement that employees be compensated for otherwise noncompensable activities performed before or after their principal activities when those activities were performed immediately after a compensable preshift activity or immediately before a compensable postshift activity.

In addition, the proposed administrative procedures for crediting fractional hours of overtime work under title 5, U.S. Code, and the FLSA have been deleted from the final regulations. Those procedures are now included in an appendix to Book 550 of FPM Supplement 990-2 and in an FPM letter in the 551 series that are being published

simultaneously with this regulation. These publications also contain more detailed information on the differences between principal activities and preshift/postshift activities and include attachments that (1) illustrate the distinction between time spent in principal activities and time spent in preshift/postshift activities and (2) provide examples of preshift/postshift activities that are drawn from the legislative history of the Portal-to-Portal Act, Supreme Court decisions, and other judicial and Comptroller General decisions.

Principal Activities

Several agencies stated that crediting every minute of overtime work would present problems for their administrative, managerial and/or payroll systems. This requirement is not a change in policy. The requirement for crediting every minute of regularly scheduled overtime work under the FLSA was stated in FPM Letter 551-6, dated June 12, 1975, and was included, at § 551.521(b), Title 5, CFR, in the final regulations for pay administration under the FLSA, effective January 29, 1981.

Several agencies also stated that they were currently compensating employees for irregular or occasional overtime work by rounding the time spent in such work to the nearest half-hour and stated that it would require a great deal of time and expense to change their payroll systems so that they could round irregular or occasional overtime work to the nearest quarter-hour. Again, this requirement to credit irregular or occasional overtime work on a quarter-hour (or less) basis is not a change in policy. This requirement under the FLSA was stated in FPM Letter 551-6, dated June 12, 1975, and at § 551.521(a), Title 5, CFR. This requirement has been extended to title 5, United States Code, to provide the same administrative procedures under both laws and, thereby, eliminate dual computations with regard to fractional hours of overtime work.

Preshift and Postshift (Preparatory and Concluding) Activities

Several agencies were unsure of the distinction being made between preshift/postshift activities and preparatory/concluding activities. The terms "preshift/postshift" have been used by the Comptroller General to refer

to such activities performed by employees subject to title 5 and, for purposes of consistency, we have retained that usage in Part 550; the terms "preparatory/concluding" are used to refer to such activities under the FLSA and, for that reason, we have retained them in Part 551. Preshift/postshift activities and preparatory/concluding activities are identical. They are activities performed by the employee before or after the principal activities of his or her position. However, by definition, they are not the principal activities of an employee's position.

Several agencies also expressed confusion about the distinction between irregular or occasional overtime work and preshift/postshift activities. An employee who is performing irregular or occasional overtime work is performing the principal activities of his or her position during the period of overtime work. As stated earlier, preshift/postshift activities are activities performed by an employee before or after the principal activities of his or her position and, as such, they are not part of his or her principal activities. This distinction is further illustrated in an attachment to the appendix to Book 550 of FPM Supplement 990-2 and in an attachment to the FPM letter in the 551 series that are being published simultaneously with this regulation.

Several agencies and the four trade associations representing the meat industry also requested examples of compensable preshift/postshift activities and more specific guidance concerning clothes-changing. This information is also being provided in an attachment to the appendix to Book 550 of FPM Supplement 990-2 and in an attachment to the FPM letter in the 551 series. The activity of clothes-changing is specifically addressed.

One labor organization representing Federal employees was concerned that preshift/postshift activities would be compensable only if the total time spent in those activities totaled more than ten minutes per daily tour of duty and expressed the belief that this was in conflict with the requirement of § 551.521, Title 5, CFR, for payment for every minute of regular overtime work. Section 551.521(b), Title 5, CFR, states that "An employee shall be compensated for every minute of regularly scheduled overtime work." As preshift/postshift activities are not the principal activities of an employee's position, they cannot be regularly scheduled overtime work, even if they are performed on a regular basis. Therefore, the requirement that an employee must be paid for every minute

of regularly scheduled overtime work does not apply to preshift/postshift activities.

One agency and the four trade associations representing the meat industry also commented that agencies should be able to disregard and, therefore, not compensate employees for, preshift/postshift activities of more than ten minutes per daily tour of duty. The dictum in *Eugie L. Baylor, et al. v. United States* (193 CT. Cl. 331), and the subsequent expressions by the Comptroller General on preshift and postshift activities support the administrative determination that preshift/postshift activities are compensable if an employee spends more than ten minutes per daily tour of duty in such activities. These regulations establish this standard for the Federal sector.

A number of agencies suggested revision of our procedures for crediting preshift/postshift activities. Our final regulations have been revised to incorporate their suggestions. The revised procedures provide that the head of an agency must determine (1) whether the preshift/postshift activities are so closely related to the employee's principal activities that they may be considered work and (2) whether the performance of those activities will require more than ten minutes per daily tour of duty. If the head of the agency determines that the preshift/postshift activities meet these two criteria, he or she shall establish a maximum time period for performing those activities. The employee will be compensated for the time spent actually performing such activities, but in no case will the employee be compensated for a greater amount of time than the period of time established by the agency head.

If the agency head determines that preshift/postshift activities are compensable, the procedures that are used to credit time spent in irregular or occasional overtime work will be used to credit time spent in preshift/postshift activities. Those procedures will be used because both irregular or occasional overtime work and preshift/postshift activities are performed outside of the employee's regularly scheduled daily tour of duty.

A number of agencies also asked whether preshift/postshift activities must be performed regularly to be compensable. It is possible that preshift/postshift activities could be performed on an irregular basis and still be compensable. For example, a supervisor could assign the task of performing a compensable preshift activity to a different employee each time that task

had to be performed. The time spent in that activity would be compensable for the employee who performed that activity, even though the task was performed on an irregular basis and even though a different employee performed the task each time.

One agency and the four trade associations representing the meat industry addressed the problem of crediting, as hours of work, time spent in nonwork activities performed after a compensable preshift activity or before a compensable postshift activity. The final regulations specify that only time actually spent performing compensable preshift/postshift activities is creditable as hours of work and that in no case is credit allowed for a nonwork activity performed before or after an employee's principal activities.

Set-Offs for Periods of Nonwork During the Workday

The four trade associations representing the meat industry recommended that OPM amend its regulations to allow set-offs of paid nonwork time against compensable preshift/postshift activities. Under the FLSA, there is no requirement for scheduling work; a workday begins with the commencement of the employee's principal activities and ends with the conclusion of the employee's principal activities for that day. Thus, periods of nonwork at the beginning or end of the workday (and certain nonwork periods during the workday when the employee is completely relieved from duty) are not included when computing hours of work under the FLSA. However, under title 5 the head of an agency is required to establish a basic 40-hour workweek for full-time employees (5 U.S.C. 6101(a)(2)). There is no provision to allow the reduction of the workweek on a daily basis because of insufficient work. Nevertheless, if, because of a particular work situation, an employee must regularly begin principal activities later than other employees or end principal activities earlier than other employees, that employee's work schedule can be adjusted by the head of the agency to take that into account. It is also an established principle that any time spent by an employee performing preshift/postshift activities within his or her daily tour of duty (the scheduled 8-hour workday) is not compensable at an overtime rate of pay. In addition, if an employee's principal activities terminate earlier than usual because insufficient work is available on a given day, the agency should require the employee to perform (or to begin to perform) postshift activities within the time

regularly scheduled for principal activities and, thereby, eliminate or reduce the overtime that would otherwise be spent in postshift activities on that particular day.

Miscellaneous

We have made most of the editorial revisions suggested by agencies. In addition, we have amended the definition of "workday" in section 551.411 to substitute "activities" for "activity(s)" wherever it appears and we have amended the last sentence of the definition of "regular working hours" in section 551.421 to relate it to an employee's regularly scheduled administrative workweek under title 5. These regulations apply to agencies as defined in §§ 550.103(b) and 551.102(b), Title 5, CFR.

These regulations are consistent with the interpretations of the courts and the Comptroller General under title 5 in the Federal sector and are consistent with the rulings and interpretations of the Department of Labor and the courts under the FLSA in the private sector.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations would govern only the computation of fractional hours of overtime work under title 5 U.S. Code, and the FLSA.

List of Subjects

5 CFR Part 550

Government employees, Wages, Civil defense, Administrative practice and procedure.

5 CFR Part 551

Government employees, Wages, Fair Labor Standards Act, Travel, Manpower training programs, Administrative practice and procedure.

U.S. Office of Personnel Management.

Donald J. Devine,
Director.

Accordingly, the Office of Personnel Management is amending Parts 550 and 551 of Title 5, Code of Federal Regulations, as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

§ 550.11 [Amended]

(1) Section 550.111 is amended by removing the words "each hour of" after

the phrase " * * * overtime work means * * *" in paragraphs (a) and (d).

(2) Section 550.112 is amended by redesignating paragraphs (a) through (f) as paragraphs (c) through (h) respectively, and by adding new paragraphs (a) and (b) to read as follows:

§ 550.112 Computation of overtime work.

The computation of the amount of overtime work of an employee is subject to the following conditions:

(a) *Time spent in principal activities.* Principal activities are the activities that an employee is employed to perform. They are the activities that an employee performs during his or her regularly scheduled administrative workweek (including regular overtime work) and activities performed by an employee during periods of irregular or occasional overtime work authorized under § 550.111. Overtime work in principal activities shall be credited as follows:

(1) An employee shall be compensated for every minute of regular overtime work.

(2) A quarter of an hour shall be the largest fraction of an hour used for crediting irregular or occasional overtime work under this subpart. When irregular or occasional overtime work is performed in other than the full fraction, odd minutes shall be rounded up or rounded down to the nearest full fraction of an hour used to credit overtime work.

(b) *Time spent in preshift or postshift activities.* A preshift activity is a preparatory activity that an employee performs prior to the commencement of his or her principal activities, and a postshift activity is a concluding activity that an employee performs after the completion of his or her principal activities. Such activities are not principal activities as defined in paragraph (a) of this section.

(1) (i) If the head of a department reasonably determines that a preshift or postshift activity is closely related to an employee's principal activities, and is indispensable to the performance of the principal activities, and that the total time spent in that activity is more than 10 minutes per daily tour of duty, he or she shall credit all of the time spent in that activity, including the 10 minutes, as hours of work.

(ii) If the time spent in a preshift or postshift activity is compensable as hours of work, the head of the department shall schedule the time period for the employee to perform that activity. An employee shall be credited with the actual time spent in that activity during the time period scheduled by the head of the

department. In no case shall the time credited for the performance of an activity exceed the time scheduled by the head of the department. If the time period scheduled by the head of the department for the performance of a preshift or postshift activity is outside the employee's daily tour of duty, the employee shall be credited with the time spent performing that activity in accordance with paragraph (a)(2) of this section.

(2) A preshift or postshift activity that is not closely related to the performance of the principal activities is considered a preliminary or postliminary activity. Time spent in preliminary or postliminary activities is excluded from hours of work and is not compensable, even if it occurs between periods of activity that are compensable as hours of work.

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

1. Section 551.411(a) is revised to read as follows:

§ 551.411 Workday.

(a) For the purposes of this part, "workday" means the period between the commencement of the principal activities that an employee is engaged to perform on a given day, and the cessation of the principal activities for that day. All time spent by an employee in the performance of such activities is hours of work. The workday is not limited to a calendar day or any other 24-hour period.

2. Section 551.412 is revised to read as follows:

§ 551.412 Preparatory or concluding activities.

(a) (1) If an agency reasonably determines that a preparatory or concluding activity is closely related to an employee's principal activities, and is indispensable to the performance of the principal activities, and that the total time spent in that activity is more than 10 minutes per workday, the agency shall credit all of the time spent in that activity, including the 10 minutes, as hours of work.

(2) If the time spent in a preparatory or concluding activity is compensable as hours of work, the agency shall schedule the time period for the employee to perform that activity. An employee shall be credited with the actual time spent in that activity during the time period scheduled by the agency. In no case shall the time credited for the performance of an activity exceed the

time scheduled by the agency. The employee shall be credited for the time spent performing preparatory or concluding activities in accordance with paragraph (b) of §551.521 of this part.

(b) A preparatory or concluding activity that is not closely related to the performance of the principal activities is considered a preliminary or postliminary activity. Time spent in preliminary or postliminary activities is excluded from hours of work and is not compensable, even if it occurs between periods of activity that are compensable as hours of work.

3. Section 551.421 is amended by removing the last sentence of that section and inserting in its place the following:

§ 551.421 Regular working hours.

*** For purposes of this part, "regular working hours" means the days and hours of an employee's regularly scheduled administrative workweek established under part 610 of this chapter.

4. Section 551.521 is revised to read as follows:

§ 551.521 Fractional Hours of Work.

(a) An employee shall be compensated for every minute of regular overtime work.

(b) A quarter of an hour shall be the largest fraction of an hour used for crediting irregular or occasional overtime work under this subpart. When irregular or occasional overtime work is performed in other than the full fraction, odd minutes shall be rounded up or rounded down to the nearest full fraction of an hour used to credit overtime work.

(5 U.S.C. 5548; 29 U.S.C. 204(f))

[FR Doc. 83-22258 Filed 8-12-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ASW-31; Amdt. 39-4706]

Airworthiness Directives; Sikorsky Aircraft Division Model S-61 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspection of the

main gear box chip detector and scavenge screen for steel particles on Sikorsky Model S-61 series helicopters. This AD is prompted by a report of a fractured spur gear which resulted in a forced landing. Failure of a spur gear could result in loss of power to the rotor.

DATES: Effective August 29, 1983. Compliance schedule—As prescribed in body of AD.

FOR FURTHER INFORMATION CONTACT: Bernard Schaffer, ANE-153, Federal Aviation Administration, New England Region, Boston Aircraft Certification Branch, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7332.

SUPPLEMENTARY INFORMATION: In addition to the forced landing, there have been several reports of failures of this part number spur gear in the main gear boxes of like-model helicopters. Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires inspection of the main gear box chip detector and scavenge screen for steel particles on Sikorsky Model S-61 series helicopters. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Sikorsky Aircraft Division: Applies to all Sikorsky Model S-61 series helicopters, certificated in all categories, equipped with P/N S6135-20608-1 spur gears.

Compliance is required within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 10 hours' time in service from the last inspection.

To detect possible failure of spur gear, P/N S6135-20608-1, in the main gear box, accomplish the following:

1. On all aircraft equipped with a functional cockpit main gear box chip detecting system, visually inspect main gear box oil scavenge screen for steel particles.
2. On all aircraft not equipped with a cockpit main gear box chip detecting system, visually inspect both the main gear box chip detector and scavenge screen for steel particles.

3. If steel particles are found, except for fine hairline particles, replace the gear box before further flight.

4. Equivalent means of compliance may be approved by the Manager, Boston Aircraft Certification Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective August 29, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves as emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on July 28, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-22196 Filed 8-12-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 83-ASO-18]

Alteration of Restricted Area R-6001, Fort Jackson, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Restricted Area R-6001 located in the vicinity of Fort Jackson, SC. The U.S. Army had a requirement to expand the restricted area to the south and reduce the western portion to accommodate artillery and mortar firing training exercises. This action increases safety by containing all artillery firing within Restricted Area R-6001.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical

Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 26, 1983, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 71) to realign Restricted Area R-6001 (48 FR 23661) to accommodate artillery and mortar firing points. This realignment will expand present restricted airspace on the southern portion and reduce restricted airspace on the western portion. Presently, all artillery and most mortar firing points/range safety fans extend to or are located outside of current boundaries. The South Carolina Army National Guard is presently traveling to Fort Gordon, GA, Fort Stewart, GA, and Fort Bragg, NC, to conduct their artillery firing. This action has a significant impact on saving travel time and funds. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 73.60 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations realigns Restricted Area R-6001 located in the vicinity of Fort Jackson, SC. The U.S. Army needs to expand the restricted area to the south and reduce the western portion to accommodate artillery and mortar firing training exercises. This action increases safety by containing all artillery firing within Restricted Area R-6001.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Amendment

PART 73—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 73.60 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73), is amended, effective 0901 G.m.t., September 29, 1983, as follows:

R-6001 Fort Jackson, SC [Revoked]

R-6001A Fort Jackson, SC [New]

Boundaries. Beginning at lat. 33°59'30" N., long. 80°52'04" W.; to lat. 34°05'03" N., long. 80°52'12" W.; to northeast along

Percival Road to lat. 34°06'15" N., long. 80°49'04" W.; to east along North Boundary Road to lat. 34°03'41" N., long. 80°42'13" W.; to lat. 34°01'40" N., long. 80°42'15" W.; to lat. 34°00'33" N., long. 80°44'24" W.; to lat. 34°01'00" N., long. 80°45'55" W.; to lat. 34°01'05" N., long. 80°47'00" W.; to lat. 34°00'54" N., long. 80°48'00" W.; to lat. 34°00'30" N., long. 80°48'57" W.; to lat. 34°00'12" N., long. 80°49'26" W.; to lat. 33°59'45" N., long. 80°50'00" W.; thence to point of beginning.

Designated altitudes. Surface to 3,200 feet MSL.

Time of designation. Intermittent, 0630 to 2400.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. Commanding General, Fort Jackson, SC.

R-6001B Fort Jackson, SC [New]

Boundaries. Beginning at lat. 33°59'30" N., long. 80°52'04" W.; to lat. 34°05'03" N., long. 80°52'12" W.; to northeast along Percival Road to lat. 34°06'15" N., long. 80°49'04" W.; to east along North Boundary Road to lat. 34°03'41" N., long. 80°42'13" W.; to lat. 34°01'40" N., long. 80°42'15" W.; to lat. 34°00'33" N., long. 80°44'24" W.; to lat. 34°01'00" N., long. 80°45'55" W.; to lat. 34°01'05" N., long. 80°47'00" W.; to lat. 34°00'54" N., long. 80°48'00" W.; to lat. 34°00'30" N., long. 80°48'57" W.; to lat. 34°00'12" N., long. 80°49'26" W.; to lat. 33°59'45" N., long. 80°50'00" W.; thence to point of beginning.

Designated altitudes. 3,200 feet MSL to FL 230.

Time of designation. Intermittent, 0630 to 2400.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. Commanding General, Fort Jackson, SC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 5, 1983.

B. Keith Potts,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83-22201 Filed 8-12-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 35

[T.D. 7906]

Employment Taxes; Reporting by Certain Large Food or Beverage Establishments With Respect to Tips

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to reporting by certain large food or beverage establishments with respect to tips. Changes to the applicable tax law were made by The Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248). These regulations, which supersede the temporary regulations on this subject, affect employers at certain large food or beverage establishments and their tipped employees and provide them with guidance necessary to comply with the law.

DATES: The regulations apply to reporting by employers at large food or beverage establishments with respect to tips for calendar year 1983 and thereafter.

FOR FURTHER INFORMATION CONTACT:

Linda M. Kroening of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3288).

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1982, the Federal Register published temporary regulations (47 FR 55215) and proposed amendments (47 FR 55248) to the Employment Tax Regulations (26 CFR Part 31) under section 6053 of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 314 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248, 96 Stat. 603). Numerous written comments responding to this notice were received. A public hearing was held February 8, 1983. After consideration of all comments regarding