Presidential Documents

Proclamation 5096 of September 15, 1983

National Housing Week, 1983

By the President of the United States of America

A Proclamation

The provision of a home and a suitable living environment for every American family continues to be a national housing goal. Homeownership and decent housing instill pride in our citizens and contribute to the vitality of communities throughout America.

The resurgence of America's housing industry is both a contribution to and a result of our Nation's economic recovery. The substantial increase in housing starts in 1983, by restoring and creating thousands of jobs in housing and related industries, has been a major factor in the reduction of unemployment.

In recognition of our Nation's commitment to housing and homeownership and the role that housing plays in economic recovery, the Congress, by Senate Joint Resolution 98, has authorized and requested the President to issue a proclamation designating the week of October 2 through October 9, 1983, as "National Housing Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 2, 1983, as National Housing Week, and call upon the people of the United States and interested groups and organizations to observe this week with appropriate activities and events.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-25670
Filed 9-16-83; 11:19 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 182
Monday, September 19, 1983

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 421

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Cotton Crop Insurance Regulations (7 CFR Part 421), effective for the 1983 and succeeding crop years, in compliance with the provisions of Secretary's Memorandum No. 1512–1, which requires periodic review of FCIC's regulations as to need, currency, clarity, and effectiveness. The intended effect of this rule is to confirm the Interim Rule published in the **Federal Register** on December 21, 1982, at 47 FR 56813.

EFFECTIVE DATE: This rule is effective on October 19, 1983.

ADDRESS: Any comments on this rule may be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: On December 21, 1982, FCIC published an Interim Rule to revise and reissue the Cotton Crop Insurance Regulations (7 CFR Part 421) the intended effect of which is to improve the debt management practices of FCIC; revise the system of reporting damage or loss to insured crops; remove certain restrictions on coverage of insurance in the various stages; reduce the time and paperwork demands on an applicant; and, comply with the provisions of Secretary's Memorandum No. 1512–1, as to reviewing the regulations with regard to currency, clarity, need, and effectiveness.

The public was given until February 22, 1983, to submit written comments on the rule, but none were received. The rule was scheduled for review following a 60-day comment period in order to prepare any amendments made necessary by such comments. During the review period, FCIC determined that, the OMB Information Collection Control Numbers applicable to FCIC, should be codified and therefore will be at 7 CFR 421.3, previously designated as "Reserved." This amendment is contained in this final rule. The amendment providing for codification of OMB Control Numbers relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest.

List of Subjects in 7 CFR Part 421

Crop insurance, Cotton.

PART 421—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Cotton Crop Insurance Regulations (7 CFR Part 421), effective with the 1983 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 421 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (1506, 1516).

2. 7 CFR Part 421 is amended in the Table of Contents thereof by removing the word "Reserved" from § 421.3 and inserting in its place, the words "OMB control numbers."

3. 7 CFR § 421.3 is added to read as follows:

§ 421.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 421) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control Nos. 0563–0003 and 0563–0007.

Accordingly, the interim rule published in the **Federal Register** of December 21, 1982 on pages 47 FR 56813–56820, as amended above, is adopted as final.

Done in Washington, D.C., on August 24, 1983.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: September 8, 1983.
Approved by:

Edward D. Hews,
Acting Manager.

[FR Doc. 83-25418 Filed 9-16-83; 8:45 am]
BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1036

[Milk Order No. 36]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain shiping standards for supply plants regulated by the Eastern Ohio-Western Pennsylvania milk order. The suspension reduces from 40 percent of receipts to 30 percent the quantity of milk that supply plants must ship to distributing plants to maintain pool plant status for September through November 1983.

This action was requested by a cooperative association which represents a substantial number of producers associated with this market. In the past year this market has experienced a substantial increase in milk production without a corresponding increase in fluid sales. As a result, not as much bulk milk from supply plants will be needed to meet the fluid milk demands of distributing plants during

the fall months. Without the suspension, unneeded and uneconomic shipments of supply plant milk would be made solely for the purpose of assuring that dairy farmers historically associated with the market will continue to have their milk priced and pooled under the order.

Notice of this proposed action was published in the **Federal Register** and interested parties were given the opportunity to submit written comments. Two cooperative associations submitted comments in support of the suspension action. No written comments opposing the suspension were received.

EFFECTIVE DATE: September 19, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 16, 1983; published August 22, 1983 (48 FR 38001).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures in time to include September 1983 in the suspension period. This initial request for this action was received August 9, 1983. A notice of proposed suspension was issued on August 16, 1983, inviting interested parties to comment on the proposed action by August 29, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*,) and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 38001) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. Two cooperative asociations submitted comments supporting the proposed action. No written comments opposing the action were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of September through November 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1036.7(b), the language "not less than 40 percent during the months of September, October and November and" and the language "in all other months,".

Statement of Consideration

This action reduces the quantity of milk that supply plants must ship to distributing plants to maintain pool plant status under the Eastern Ohio-Western Pennsylvania order. The order requires a supply plant to ship 40 percent of its receipts to distributing plants during the months of September through November. In other months the shipping standard is 30 percent. This action removes the 40 percent standard for the months of September, October and November. As a result, a 30 percent shipping standard for pooling supply plants will apply during these months.

This action was requested by Milk Marketing Inc. (MMI), a cooperative association which represents a substantial number of producers who supply milk to the Eastern Ohio-Western Pennsylvania market. Eastern Milk Producers Cooperative Association, Inc., supported the suspension action.

During the first 6 months of 1983, receipts of producer milk at pool plants increased 8 percent over the same period in 1982. At the same time, Class I usage increased less than 2 percent. All available information indicates that this supply-demand imbalance will continue through the remainder of 1983. As a result, distributing plants will receive a higher proportion of their milk supply by direct shipment and the quantity of milk moved from supply plants to distributing plants will be reduced. In some instances, supply plants will not be able to pool all of their available milk supply without back-hauling milk at considerable expense. Suspension of the 40 percent standard is thus necessary to prevent unneeded and uneconomic shipments of milk from supply plants to distributing plants that would be made solely for the purpose of pooling the milk of dairy farmers who historically have supplied the fluid needs of the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without the suspension unneeded and uneconomic shipments of milk from supply plants would likely be made solely for the purpose of pooling the milk of dairy farmers who historically have supplied the fluid needs of the market;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1036

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of § 1036.7(b) of the order are hereby suspended for the months of September through November 1983.

Effective Date: September 9, 1983.

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

Signed at Washington, D.C. on: September 12, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-25451 Filed 9-16-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 109

Employment Authorization; Withdrawal of Provisions Specifying Period of Time That Permission To Accept Employment Is Authorized

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: On June 27, 1983 (48 FR 29465), the Service published a final rule clarifying existing regulations relating to employment authorization for aliens admitted to the United States. Sections 109.1(b) (2) and (3) were amended to specify that temporary employment authorization is automatically terminated upon denial of the application. This notice serves as a withdrawal of that amendment to § 109.1 (b)(2) and (b)(3). A proposed rule is published elsewhere in this issue. The remaining provisions of the final rule remain as they were published with an effective date of June 28, 1983.

EFFECTIVE DATE: September 19, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information: Craig O. Raynsford, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-1266.

SUPPLEMENTARY INFORMATION: On June 27, 1983 at 48 FR 29465, the Service published a final rule amending 8 CFR Part 109 to clarify who is eligible for employment authorization, under what conditions employment can be authorized, and when such authorization terminates.

Sections 109.1 (b)(2) and (b)(3) of Title 8 were amended to specify the period of time that permission to accept employment is authorized. After appropriate review, the Service wishes to withdraw the revisions to these sections at this time and to republish, as a separate document, a proposed revision to these sections to allow for a 60 day public comment period. Therefore, paragraphs (b)(2) and (b)(3) relating to the period of time permission to accept employment may be authorized is removed from the final order as published on June 27, 1983 (48 FR 29465).

List of Subjects in 8 CFR Part 109

Aliens, Employment.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 109—EMPLOYMENT AUTHORIZATION

In § 109.1, paragraphs (b) (2) and (3) are revised to read as originally published on Nov. 12, 1981 (46 FR 55920):

§ 109.1 Classes of aliens eligible.

* * * * *

(b) * * *

(2) Any alien who has filed a non-frivolous application for asylum pursuant to Part 208 of this chapter may be granted permission to be employed for the period of time necessary to decide the case.

(3) Any alien who has properly filed an application for adjustment of status to permanent resident alien may be granted permission to be employed for the period of time necessary to decide the case.

* * * * *

(Secs. 103, 212, 245, Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1182, 1255))

Dated: September 12, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-25450 Filed 9-16-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-10-AD; Amdt. 39-4724]

Airworthiness Directives; British Aerospace, Aircraft Group (Formerly Scottish Aviation Limited) Model HP.137 Jetstream MK-1 and Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 83-05-08 Amendment 39-4582 applicable to British Aerospace Aircraft Group, Model HP.137 Jetstream MK-1 and Series 200 airplanes by providing a definitive test procedure to verify the proper operation of the Non-Return-Valve (NRV). Reference was made in AD 83-05-08 to manufacturer data which instructed inspection of the NRV in accordance with nonexistent vendor data. This error has come to the attention of the manufacturer and FAA and the manufacturer has published Revision 1 to SB No. 18/3 dated March 31, 1983, which incorporates reference to an acceptable inspection procedure. This revision makes the AD consistent with current manufacturer's data.

DATE: Effective September 23, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Scottish Division Jetstream Service Bulletin (SB) No. 18/3 Revision 1 dated March 31, 1983, and British Aerospace Aircraft Group Jetstream Modification No. 5179 Issue 1, dated December 1981, applicable to this AD may be obtained from British Aerospace Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: AD 83-05-08, Amendment 39-4582 (48 FR 10625, 10626) applicable to British Aerospace Aircraft Group Model HP.137 Jetstream MK-1 and Series 200 airplanes requires removal and inspection of the fuel filter bleed pipe NRVs, to correct an unsafe condition in the aircraft. Subsequent to the issuance of this AD, the British Aerospace, Aircraft Group and the United Kingdom Civil Aviation Authority (UKCAA) published a definitive test procedure for this valve in lieu of the previous vendor overhaul manual procedure. This amendment is to ensure that the valve is operating in accordance with its intended use and provides the owner-operator with a detailed step-by-step test procedure to accomplish this inspection. It imposes no additional burden on any person and is clarifying in nature. Therefore, notice and public procedure hereon are unnecessary, contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator AD 83-05-08, Amendment 39-4582 (48 FR 10625, 10626), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13), is amended as follows:

(1) Revise the lead in paragraph following the Compliance statement to read as follows:

To detect defective fuel filter bleed pipe Non-Return-Valve (NRV) Part Number (P/N) 702CD02, unless accomplished in the previous 200 hours time-in-service, within the next 20 hours time-in-service after the effective date of this AD and thereafter at intervals not to exceed 200 hours time-in-service, accomplish the following:

(2) Revise paragraph a) to read as follows:

(a) Remove, inspect, and test the fuel filter bleed pipe NRV P/N 702CD02 for correct operation in accordance with the "Action" section of Scottish Aviation Limited Jetstream SB No. 18/3 Revision 1, March 31, 1983.

Note.—SB No. 18/3, Revision 1, specifies a detailed test procedure to verify that the valve operates as intended.

(3) Revise paragraph b) to read as follows:

(b) If a defective NRV is found, replace the valve prior to further flight.

This amendment becomes effective September 23, 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. 79-449, January 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.— The FAA has determined that this document involves an amendment that is of a clarifying nature and does not impose any additional burden on any persons. Therefore, (1) it is not a major rule under Executive Order 12291, and (2) it is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is clarifying in nature, and because it involves few, if any, small entities.

Issued in Kansas City, Missouri, on September 8, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-25411 Filed 9-16-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ASW-38; Amdt. 39-4721]

Airworthiness Directives; Enstrom Models F-28A, 280, F-28C, F-28C-2, 280C, F-28F, and 280F

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspection and lubrication of tail rotor drive shaft couplings on Enstrom Models F-28A, 280, F-28C, F-28C-2, 280C, F-28F, and 280F. This AD is needed to prevent tail rotor drive shaft coupling failure due to improper lubrication which could result in loss of directional control and subsequent loss of the helicopter.

DATES: Effective September 23, 1983.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information, Enstrom Helicopter Corporation Service Directive Bulletin 0065, may be obtained from Enstrom Helicopter Corporation, P.O. Box 277, Menominee, Michigan 49858.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Joseph H. McGarvey, ACE-120C, Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone number (312) 694-7136.

SUPPLEMENTARY INFORMATION: There have been two reports of tail rotor drive shaft coupling failures and loss of directional control causing crash landings with substantial aircraft damage. The FAA has determined that the failures were the result of excessive wear due to improper lubrication. Since this condition is likely to exist or develop in other tail rotor drive systems of the same type design, an airworthiness directive is being issued that requires repetitive inspections, replacement as necessary, and lubrication of tail rotor drive shaft couplings on Enstrom F-28A, 280, F-28C, F-28C-2, F-28F, and 280F helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical 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:

Enstrom Helicopter Corporation: Applies to Enstrom Model F-28A: 280; F-28C; F-28C-2; 280C; F-28F, Serial numbers 506, 507, 509, 510, 511, 512, 513, 514, 515, 517, 527, 700, 701, 702, and 704; and 280F, Serial numbers 1212 and 1500.

Compliance is required as indicated.

To prevent the possible loss of directional control, accomplish the following:

(a) Prior to next flight after the effective date of this AD, disassemble the forward and aft tail rotor drive shaft couplings (P/N 28-13609), visually and dimensionally inspect for wear and proper tooth contact, lubricate, and reassemble, in accordance with Enstrom Service Directive Bulletin 0065, dated August 19, 1983, and the Maintenance Manual/ Maintenance Manual Supplement for the respective models or FAA approved equivalent. Couplings not complying with the prescribed wear limits are not airworthy and must be replaced with airworthy parts.

(1) Tail rotor drive shaft couplings which have been overhauled less than 100 hours prior to the effective date of this AD are exempt from the initial requirements of this paragraph.

(2) Tail rotor drive shaft couplings that have a history of crash damage in which the couplings were not magnafluxed, must be removed and magnafluxed prior to further flight.

(b) Within 100 hours' time in service after the effective date of this AD or since the last inspection in accordance with paragraph (a), and at 100-hour intervals thereafter, partially disassemble the forward and aft tail rotor drive shaft couplings (P/N 28-13609), inspect, lubricate, and reassemble in accordance with Enstrom Service Directive Bulletin 0065, dated August 19, 1983, and the Maintenance Manual/Maintenance Manual Supplement for the respective models or FAA approved equivalent.

(c) Each 600 hours' time in service or at each annual inspection, whichever occurs first after the effective date of this AD, disassemble the forward and aft tail rotor drive shaft couplings (P/N 28-13609), visually and dimensionally inspect for wear and proper tooth contact, lubricate, and reassemble in accordance with Enstrom Service Directive Bulletin 0065, dated August 19, 1983 and the Maintenance Manual/ Maintenance Manual Supplement for the respective models or FAA approved equivalent.

(d) Any equivalent method of compliance with this AD must be approved by the Manager, Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

(e) In accordance with FAR 21.197, flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective September 23, 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 involves approximately 650 helicopters at a cost of $105 per aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]. A copy of the final regulation evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Fort Worth, Texas, on August 31, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-25410 Filed 9-16-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-26]

Alteration of Transition Area; Nashville, Tenn.

AGENCY: Federal Aviation Administration [FAA], DOT

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Nashville, Tennessee, transition area to accommodate future Instrument Flight Rule (IFR) operations at Cockrill Bend Airport which is presently under construction. This action lowers the base of controlled airspace in the vicinity of the new airport from 1,200 to 700 feet above the surface. The intended effect of this action is to ensure segregation of aircraft executing instrument approach procedures from other aircraft which may be operating under Visual Flight Rules (VFR) in controlled airspace. This amendment will also correct erroneous geographical coordinates for several existing airports.

EFFECTIVE DATE: 0901 G.m.t., November 24, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 14, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations [14 CFR Part 71] by increasing the size of the Nashville, Tennessee, transition area to provide additional controlled airspace in the vicinity of Cockrill Bend Airport which is presently under construction. In addition, several deficiencies in the existing description will be corrected (48 FR 32187). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to the circularization. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Nashville, Tennessee, transition area by lowering the base of controlled airspace in the vicinity of Cockrill Bend Airport from 1,200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Nashville, Tennessee, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., November 24, 1983, as follows:

Nashville, TN—[Revised]

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Nashville Metropolitan Airport (Lat. 36°07'37" N., Long. 86°40'53" W.), within an 8.5-mile radius of Smyrna Airport (Lat. 36°00'32" N., Long. 86°31'12" W.), Gallatin Municipal Airport (Lat. 36°22'43" N., Long. 86°24'32" W.), Lebanon Municipal Airport (Lat. 36°11'22" N., Long. 86°16'35" W.), Murfreesboro Municipal Airport (Lat. 35°52'38" N., Long. 86°22'39" W.), and Cockrill Bend Airport (Lat. 36°10'53" N., Long. 86°53'13" W.).

(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])

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 East Point, Georgia, on September 2, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-25412 Filed 9-16-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23756; Amdt. No. 1251]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washingon, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Aviation safety, Standard instrument approaches.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

. . . Effective November 24, 1983

Manhattan, KS—Manhattan Muni, VOR Rwy 3, Amdt. 13
Wichita, KS—Beech Factory, VOR-B, Amdt. Orig.
Wichita, KS—Beech Factory, VOR-B, Amdt. 11, Cancelled
Wichita, KS—Cessna Acft Field, VOR-C, Amdt. Orig.
Wichita, KS—Cessna Acft Field, VOR-C, Amdt. 2, Cancelled
Wichita, KS—Wichita Mid-Continent, VOR Rwy 14, Amdt. Orig.
Wichita, KS—Wichita Mid-Continent, VOR Rwy 14, Amdt. 12, Cancelled

. . . Effective October 27, 1983

Bridgeport, CT—Igor I. Sikorsky Memorial, VOR Rwy 6, Amdt. 17
Bridgeport, CT—Igor I. Sikorsky Memorial, VOR Rwy 24, Amdt. 10
Swainsboro, GA—Emanuel County, VOR-A, Amdt. 3
Carbondale-Murphysboro, IL—Southern Illinois, VOR-B, Amdt. 2
Bloomington, IN—Monroe County, VOR Rwy 24, Amdt. 7
Kentland, IN—Kentland Muni, VOR-A, Amdt. 2
Ottumwa, IA—Ottumwa Industrial, VOR/DME Rwy 13, Amdt. 5
Ottumwa, IA—Ottumwa Industrial, VOR Rwy. 31, Amdt. 13
Longview, TX—Gregg County, VOR or TACAN Rwy 13, Amdt. 17
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 31, Amdt. 4
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 35, Amdt. 4

. . . Effective September 29, 1983

Sault Ste Marie, MI—Chippewa County Intl, VOR-A, Amdt. 2

. . . Effective September 7, 1983

Key West, FL—Key West Intl, VOR-B, Amdt. 6

2. By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

. . . Effective November 24, 1983

Wichita, KS—Wichita Mid-Continent, LOC BC Rwy 19L, Amdt. 12

. . . Effective October 27, 1983

Ottumwa, IA—Ottumwa Industrial, LOC/DME BC Rwy 13, Amdt. 1
Hibbing, MN—Chisholm-Hibbing, LOC BC Rwy 13, Amdt. 8

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

. . . Effective November 24, 1983

Wichita, KS—Wichita Mid-Continent, NDB Rwy 1R, Amdt. 14

. . . Effective October 27, 1983

Fort Morgan, Co—Fort Morgan Muni, NDB Rwy 14, Amdt. Orig.
Fort Morgan, Co—Fort Morgan Muni, NDB Rwy 32, Amdt. Orig.
Carbondale-Murphysboro, IL—Southern Illinois, NDB Rwy 18, Amdt. 9
Cedar Rapids, IA—Cedar Rapids Muni, NDB Rwy 9, Amdt. 9
Greenwood, MS—Greenwood-LeFlore, NDB Rwy 18, Amdt. Orig.
Longview TX—Gregg County, NDB Rwy 13, Amdt. 11

. . . Effective September 29, 1983

Sault Ste Marie, MI—Chippewa County Intl, NDB Rwy 10, Amdt. 2
Sault Ste Marie, MI—Chippewa County Intl, NDB Rwy 34, Amdt. 1

. . . Effective September 7, 1983

Key West, Fl—Key West Intl, NDB-A, Amdt. 10

4. By amending § 97.29 ILS ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

. . . Effective October 27, 1983

Ontario, CA—Ontario International, ILS Rwy 8L, Amdt. 3
Bridgeport, CT—Igor I. Sikorsky Memorial, ILS Rwy 6, Amdt.4

Carbondale-Murphysboro, IL—Southern Illinois, ILS Rwy 18, Amdt. 9
Cedar Rapids, IA—Cedar Rapids Muni, ILS Rwy 9, Amdt. 13
Cedar Rapids, IA—Cedar Rapids Muni, ILS Rwy 27, Amdt. 2
Ottumwa, IA—Ottumwa Industrial, ILS Rwy 31, Amdt. 3
Hibbing, MN—Chisholm-Hibbing, ILS Rwy 31, Amdt. 8
Greenwood, MS—Greenwood-LeFlore, ILS Rwy 18, Amdt. 3
New York, NY—LaGuardia, ILS Rwy 22, Amdt. 16
Chattanooga, TN—Lovell Field, ILS Rwy 2, Amdt. 4

Effective September 29, 1983

Sault Ste Marie, MI—Chippewa County Intl, ILS Rwy 16, Amdt. 3

Effective November 24, 1983

Manhattan, KS—Manhattan Muni, ILS Rwy 3, Amdt. 2
Wichita, KS—Wichita Mid-Continent, ILS Rwy 1L, Amdt. 1
Wichita, KS—Wichita Mid-Continent, ILS Rwy 1R Amdt. 14
Wichita, KS—Wichita Mid-Continent, ILS Rwy 19R, Amdt. 3

5. By amending § 97.31 RADAR SIAPs identified as follows:

Effective October 27, 1983

Longview, TX—Gregg County, RADAR-1, Amdt. 2

Effective September 7, 1983

Key West, FL—Key West Intl, RADAR-1, Amdt. 1

6. By amending § 97.33 RNAV SIAPs identified as follows:

Effective November 24, 1983

Wichita, KS—Beech Factory, RNAV Rwy 18, Amdt. Orig.
Wichita, KS—Beech Factory, RNAV Rwy 18, Amdt. 3, Cancelled
Wichita, KS—Beech Factory, RNAV Rwy 36, Amdt. Orig.
Wichita, KS—Beech Factory, RNAV Rwy 36, Amdt. 5, Cancelled
Wichita, KS—Cessna Acft Field, RNAV Rwy 17L Amdt. Orig.
Wichita, KS—Cessna Acft Field, RNAV Rwy 17L Amdt. 1, Cancelled
Wichita, KS—Cessna Acft Field, RNAV Rwy 35R, Amdt. Orig.
Wichita, KS—Cessna Acft Field, RNAV Rwy 35R Amdt. 1, Cancelled
Wichita, KS—Wichita Mid-Continent, RNAV Rwy 1L, Amdt. Orig.
Wichita, KS—Wichita Mid-Continent, RNAV Rwy 1L, Amdt. 4, Cancelled
Wichita, KS—Wichita Mid-Continent, RNAV Rwy 19R, Amdt. Orig.
Wichita, KS—Wichita Mid-Continent, RNAV Rwy 19R, Amdt. 3, Cancelled

Effective October 27, 1983

Ottumwa, IA—Ottumwa Industrial, RNAV Rwy 22, Amdt. 2
Milliville, NJ—Millville Muni, RNAV Rwy 28, Amdt. Orig.
Milliville, NJ—Millville Muni, RNAV Rwy 32, Amdt. Orig.
Longview, TX—Gregg County, RNAV Rwy 22, Amdt. 5

Effective September 1, 1983

San Antonio, TX—San Antonio Intl, RNAV Rwy 30L, Amdt. 8

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 [49 U.S.C. §§ 1348, 1354(a), 1421, and 1510]; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note. The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on 16 September 1983.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-25746 Filed 9-16-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0051]

Listing of Color Additives for Coloring Contact Lenses; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of August 9, 1983, for a final rule that provides for the safe use of four color additives for coloring contact lenses. This action responds to a petition filed by Custom Tint Laboratories, Inc.

DATE: Effective date confirmed: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** of July 8, 1983 (48 FR 31374), FDA amended the color additive regulations to provide for the safe use of four color additives for coloring contact lenses. The final rule added new § 73.3117 (21 CFR 73.3117) that allows the use of 16,23-dihydrodinaphtho[2,3-*a*:2',3'-*i*] naphth[2',3':6,7]indolo 2,3-*c*]carbazole-5,10,15,17,22,24-hexone; § 73.3118 (21 CFR 73.3118) that allows the use of *N,N'*-(9,10-dihydro-9,10-dioxo-1,5-anthracenediyl)bisbenzamide; § 73.3119 (21 CFR 73.3119) that allows the use of 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone; and § 73.3120 (21 CFR 73.3120) that allows the use of 16,17-dimethoxydinaphtho[1,2,3-*cd*:3',2',1-*lm*]perylene-5,10-dione for coloring contact lenses.

In the final rule, FDA gave interested persons until August 8, 1983, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the **Federal Register** of July 8, 1983, for these four color additives should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Color additives exempt from certification, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the final rule of July 8, 1983. Accordingly, the final rule adding §§ 73.3117, 73.3118, 73.3119, and 73.3120 to provide for the safe use of four color additives in coloring contact lenses became effective August 9, 1983.

Dated: September 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25449 Filed 9-16-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 74, 81, and 82

[Docket No. 83C-0128]

Color Additives; D&C Yellow No. 10

Correction

In FR Doc. 83-23708 beginning on page 39217 in the issue of Tuesday, August 30, 1983, make the following corrections:

1. On page 39218, second column, fifth line from the bottom of the first complete paragraph, "(P<0.05)" should read "(P<0.05)".

2. On page 39220, second column, the third line of the last paragraph, the date should read "September 29".

3. On the same page, the third column, in the authority citation "706(d)" should read "706(b)".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 250

Indian Fishing; Hoopa Valley Indian Reservation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is amending its conservation regulations governing Indian fishing on the Hoopa Valley Reservation in response to recommendations received from Indians and from officials assigned to implement the rules. The most significant change is a closure to gillnet fishing from 9 a.m. Monday to 9 a.m. Tuesday of each week during the fall chinook run. Prior to publication of this rule, gillnet fishing was banned only from 9 a.m. to 5 p.m. on Monday of each week. Last year, however, gillnet fishing during the fall chinook run was banned from 9 a.m. Monday to 5 p.m. Wednesday of each week and from 9 a.m. to 5 p.m. on Thursday and Fridays.

DATE: This rule becomes effective September 19, 1983.

FOR FURTHER INFORMATION CONTACT: Daniel Swaney, Superintendent, Northern California Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, California 95546, telephone number (916) 625-4285.

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 13 and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection of Indian fishing rights.

Normally, tribal governments are responsible for regulation of Indian fishing on a reservation. Tribal regulation on the Hoopa Valley Indian reservation has not been possible because not all tribes on the reservation have functioning governments. The Yurok Tribe has not developed an organized government able to participate in regulation of the Indian fishery. Until organization is accomplished by the Yurok Tribe, the Department will continue to regulate the fishery to assure the continued existence of this valuable tribal asset. In keeping with the Department's policy of Indian self-determination, the Department makes a special effort to consult with the Indians governed by these regulations and gives special consideration to their views in making decisions concerning these regulations. It is also recognized that the resource is best protected when the people to be regulated participate in resource management decisions.

In early February 1983, public meetings were held on the reservation to receive comments and suggestions concerning possible changes to the fishing regulations. The comments and suggestions made at those meetings were considered in developing the proposed rule, which was published in the Federal Register on June 24, 1983 (48 FR 29004). An additional public meeting was held in July in Eureka, California. Comments made at that meeting and written comments received in response to publication of the proposed rule have been considered in developing the final rule.

Changes Made Due to Comments Received

1. One commenter recommended that "anadromous fish" be defined by species because questions have arisen with respect to the applicability of the regulations to sturgeon, steelhead, and lamprey or eels. The proposed rule would have made it clear that eels or lamprey are anadromous fish, but would not have mentioned what other fish in the Klamath and Trinity Rivers are anadromous, and, therefore, covered by the regulations. The same commenter also questioned whether a conservation need exists to regulate the harvest of anadromous fish other than salmon. This proposal to define anadromous fish has been adopted. The term is defined to include salmon, steelhead, sturgeon and eels. There is biological information available that indicates that green sturgeon are particularly vulnerable to overharvest. Although not in as precarious condition as salmon in the Klamath, steelhead stocks have declined substantially from historical levels—largely due to habitat degradation. Information on the status of the stocks of sturgeon and lamprey or eels in the Klamath and Trinity is limited. That fact alone justifies some level of regulation in order to avoid a possible overharvest of those stocks. Additionally, since gillnets used to harvest steelhead or sturgeon are also likely to harvest chinook salmon—which are know to require protection—regulation of the harvest of sturgeon and steelhead is necessary to protect chinook stocks.

2. The Hoopa Valley Business Council objected to the deletion of the "stretched measure" definition even though that term has not been used in the regulations for several years. The Council reports that it is presently considering the possibility of recommending that mesh size restriction be reinstated as a way to provide for subsistence needs while conserving the resource. For the reasons discussed in more detail below, the Department would give such a recommendation from the Council special consideration. Accordingly, the definition of "stretched measure" has been retained.

Changes Recommended But Not Adopted

1. A number of commenters urged a return to the closures that applied during the fall chinook run last year. Those included daytime closures to gillnet fishing from Monday through Friday and nighttime closures on Mondays and Tuesdays of each week.

As discussed above, reservation fisheries are usually regulated by the tribes themselves. Although the non-existence of a tribal government for many Indians of the Hoopa Valley Reservation makes such self-regulation impossible at the present, it is the Department's policy to give the Indians regulated by these rules as much control of the content of these rules as is possible given the Department's responsibility to assure the preservation of the resource and the difficulties in finding a consensus on such issues.

Last year's closures did have broad support both with the Hoopa Valley Tribe and among the non-Hoopa Valley Tribal members who exercise fishing rights on the reservation. Most Indians favored the daytime closures as a necessary measure to maintain good relations with the sport fishery on the river. The two-day nighttime closure, which was probably responsible for most of the reduction in Indian harvest experienced last year, was supported by

the Indians in the hopes it would result in similar restraint by the commercial troll fishery in the ocean.

With respect to the daytime closure, the Department stated in the preamble to the regulations last year, "It is anticipated that a cooperative spirit among user groups could result in the groups working together to preserve the resource and, consequently, could produce significant conservation benefits. This particular benefit exists, however, only as long as the closures have the support of both user groups. Additional daytime closures may be desirable, but they should be achieved through agreement rather than by asking the Department to impose them on the Indian gillnet fishery unilaterally."

The Department sincerely regrets that the cooperative spirit that existed last year is apparently weaker this year. Clearly, however, the Department cannot strengthen that cooperative spirit by regulatory fiat. The Department strongly urges both user groups to work together to improve cooperation between them.

Both the Hoopa Valley Tribe and Indian fishers who are not members of that tribe have expressed the view that the response of the commercial troll industry to the restraint exercised by the Indian fishing community last year does not warrant continued Indian restraint this year.

In order to assure preservation of the resource under current conditions, the Department has committed itself to implementing regulations that will prevent the Indian harvest from exceeding 30,000 adult fall chinook this year. The Department believes imposition of a one-day closure to gillnet fishing during the fall run will keep the harvest below that level.

Some commenters asserted that, contrary to the view expressed in the preamble to the proposed rule, high water levels on the Klamath would increase rather than decrease the net harvest because increased turbidity would make the nets more efficient. Only 500 spring chinook were harvested in nets this year through July. That is only 24% of the 1982 level for the same period. Much of this reduction is attributed to high water levels and accompanying debris causing a reduction in effort as well as netting efficiency. Water levels appear to have dropped to a point where they will not seriously inhibit gillnet fishing during the fall run as was the case during the spring. It is also unlikely, however, that turbidity during the fall fishery will be high enough to make the nets significantly more efficient than in the past seasons.

In the absence of Indian community support for such measures, it is difficult, as a legal matter, to justify restraints on the Indian fishery that are not needed for conservation purposes—especially if such restraints are likely to lead to reallocation of harvest to non-Indian user groups rather than to improved run sizes.

2. A number of commenters recommended changes to the regulations that are unrelated to any changes published in the proposed rule. Among these were recommendations to address the applicability of state law to Indian fishing, to remove the residency requirement in determining eligibility to exercise fishing rights for persons who are neither *Short* plaintiffs nor members of the Hoopa Valley Tribe, to delete certain creeks from the list of creeks that may not be blocked by nets, to authorized the sale of fish seized from fishers who do not have an identification card with them, and to make the regulations appliable to all persons. Adoption of any of these recommendations in this final rule would deprive the public of an opportunity to comment on them prior to their adoption. Although none of these recommendations was considered for adoption in this document, some of them may be the subject of rulemaking later.

3. One commenter objected that the maximum penalty of $250 proposed as an amendment to §250.3(d) is excessive and impractical for minors. The commenter urged the use of other sanctions, such as forfeiture of gear and/or fish or requiring community service. Another commenter, however, urged more severe penalties for minors because some minors are used as "fronts" by adults for illegal activity. The amendment simply provides a maximum dollar amount for any fine and does not preclude the use of other non-monetary penalties other than incarceration. The Department's experience to date with violations by minors does not indicate that they are serious enough to override the Department's reluctance to incarcerate minors because of the potential adverse effects on them. Fines larger than $250 do not appear to be needed in order to deter illegal fishing by minors.

4. One commenter urged that jury trials be denied only for those offenses for which the regulations themselves exclude the possibility of a jail sentence. The proposed rule would permit the denial of a jury trial if the court rules, based on the allegations against the particular defendant, that the particular offense will not be punishable by imprisonment. The Indian Civil Rights Act, 25 U.S.C. 1302 (10) prohibits the denial of a request for a jury trial by "any person accused of an offense punishable by imprisonment." Nothing in the Indian Civil Rights Act precludes delegation to the court of authority to decide whether a specific offense is punishable by imprisonment. It would be difficult to state in advance in a regulation all the factors that could make it appropriate to punish a particular offense with a jail sentence. For those reasons the proposed rule has been adopted without change.

5. One commenter objected to the proposal to define the term "assist" to include being in a boat while Indian fishing rights are being exercised. The commenter asserted that some elderly and disabled eligible fishers need help in managing the boat in order to exercise their fishing rights safely. Permitting persons without fishing rights to accompany eligible fishers in a boat could lead to serious abuses that could result in substantially increasing the gillnet harvest to the benefit of persons who do not have Indian fishing rights. Because the federal regulations do not apply to such persons, the BIA relies on state enforcement to prevent illegal depletion of the resource by such individuals. It is clearly in the interest of the Indians to facilitate state enforcement of its restrictions on non-Indian fishers in order to maximize the number of fish for spawning and Indian harvest. Provisions have been made in the regulations for the assistance of handicapped eligible fishers by able-bodied eligible fishers.

6. Another commenter, however, urged that the definition of "assist" be expanded to prohibit persons who are not eligible fishers from carrying the fish from the river banks to the transport vehicle. The commenter noted that state law places a limit on the number of fish such persons may have in their possession at any one time. As is discussed above, the restriction on "assisting" is designed to avoid the risk that non-eligible persons will be exercising Indian fishing rights under the guise of "assisting" simply by having an eligible person accompany them while fishing. This goal is met so long as the regulations prohibit non-eligible persons from being in the boat or handling the fish while they are in the boat or caught in the gear. Under the regulations, eligible fishers are permitted to catch fish for consumption by family members even if some of those family members are not themselves eligible fishers. For that reason, there will be many occasions when such family members may

legitimately be in possession of fish caught by eligible fishers.

7. One commenter objected to the proposal to amend the definition of "commercial fishing" to make it clear that the intent to sell the fish may be formed after they are caught because the commenter believes such a change would facilitate state prosecution of Indians. The change in the definition is intended to facilitate prosecutions in the court of Indian offenses. It is not intended to have any effect on state law.

8. One commenter urged that ceremonial fishing be omitted from the regulations or else a provision be included that ceremonial fishing is to occur according to tradition and custom with disputes to be resolved by the tribe. The provision concerning ceremonial fishing is designed to give the superintendent some guidance in accommodating the free exercise of religion as is required by the First Amendment to the United States Constitution. A federal requirement that ceremonial fishing occur according to tradition would be a clear violation of the First Amendment.

9. One commenter urged that the logsheet requirement be retained and an effort be made to correct the compliance problem because information regarding the number of fish taken in the Indian gillnet fishery is a prerequisite for effective management. We agree that such information is essential. We have found, however, that the most effective method for collecting that information is to visit Indian netting sites regularly while the run is underway. We believe the data collected in this manner is much more reliable than any data we could obtain through the use of logsheets.

10. One recommendation was received to impose a minimum mesh size of 6.25 inches in order to reduce the harvest of adult steelhead. During the summer months few Indians use nets with a mesh size of less than 6.25 inches because most Indians prefer to catch chinook rather than steelhead. Smaller mesh sizes are used in the fall when the Indians are fishing for coho. At that time of the year, however, there are usually much fewer steelhead in the river than there are in the summer. Since, for these reasons, there appears to be no urgent need to impose a minimum mesh size requirement, the Department plans to await the recommendation of the Hoopa Valley Business Council before deciding whether such a requirement should be imposed.

A technical amendment is being made to §§ 250.8(b) and 250.8(c) to eliminate language applicable only to last year and to clarify the relationship between paragraph (c) and paragraph (b). Paragraph (b) restrictions apply in August and September. Paragraph (c) restrictions apply during the rest of the year.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that this final rule is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have a limited economic impact on a small number of people. For the same reasons, it has been determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Pub. L. 96-354.

List of Subjects in 25 CFR Part 250

Fisheries, Fishing, Indians—land, Penalties.

This rule is being made effective upon publication in the **Federal Register** under the exception in 5 U.S.C. 553(d)(3), which permits rules to become effective in less than 30 days when provided by the agency for good cause found and published with the rule. The regulations need to be in effect by the time the fall chinook run is underway. Large numbers of fall chinook usually begin to enter the river in August.

PART 250—INDIAN FISHING—HOOPA VALLEY RESERVATION

Part 250 of Title 25 Code of Federal Regulations is amended as follows:

1. By removing paragraph (d) of § 250.1 and revising the section heading to read as follows:

§ 250.1 Purpose.

* * * * *

2. By removing paragraph (e) of §250.3, redesignating paragraph (f) of that section as paragraph (e) and by revising paragraph (d) of that section to read as follows:

§ 250.3 Application.

* * * * *

(d) Minors between the ages of 10 and 18 are eligible to receive identification cards and are subject to the provisions of this Part, but are not subject to a fine of more than $250 or incarceration.

* * * * *

3. By removing from § 250.4 the definition of "logsheet", by revising the definition of "commercial fishing", and by adding new definitions for "anadromous fish", "assist", and "eel" in alphabetical order to read as follows:

§ 250.4 Definitions.

"Anadromous fish" include salmon, steelhead, sturgeon and eels.

"Assist" as used in § 250.5(c) means providing aid to an eligible Indian fisher in placing fishing gear, checking it, removing it from the water, removing any fish caught with the gear or removing fish from the boat.

* * * * *

"Commercial fishing" means the taking of fish or fish parts with the prior or subsequent intent to sell or trade them or profit economically from them. It does not include accepting payment for the labor involved in catching fish for the elderly or incapacitated under § 250.8(t) of this Part where payment is not based on the number or weight of fish caught.

* * * * *

"Eel" means Pacific lamprey, an anadromous fish.

* * * * *

4. By revising paragraph (c) of § 250.5 to read as follows:

§ 250.5 Eligible fisher—eligible Indian.

* * * * *

(c) Except as provided under § 250.3(c), an eligible Indian who allows an ineligible person to assist in an Indian fishery on the reservation or who permits an ineligible person to be in a boat while it is being used in the exercise of Indian fishing rights is subject to the penalties set out in § 250.15.

§ 250.6 [Amended]

5. By removing paragraph (d) of § 250.6.

6. By revising the section heading and paragraph (c) of § 250.7 to read as follows:

§ 250.7 Identification and use of gear.

* * * * *

(c) Except as may be provided for elsewhere in this Part, no eligible Indian fisher may intentionally allow his or her identification number to be used on a net that he or she is not attending or fishing.

* * * * *

7. By revising paragraphs (b), (c), and (p) and adding paragraphs (w) and (x) to § 250.8 to read as follows:

§ 250.8 Permissible and prohibited fishing.

* * * * *

(b) Fishing with gillnets is prohibited from 9 a.m. Monday until 9 a.m. Tuesday of each week during the months of August and September of each year. Except as provided elsewhere in this Part, fishing with gillnets is permitted at all other times.

(c) From October 1 through July 31 of each year, fishing with gillnets is permitted seven days per week and twenty-four hours per day except that all nets must be out of the water between the hours of 9:00 a.m. and 5:00 p.m. on Monday of each week.

* * * * *

(p) No set-net fishing is allowed within 400 feet of a test seining operation conducted by either the U.S. Fish and Wildlife Service or the California Department of Fish and Game. Set-nets placed in an area normally used for test seining may be removed by law enforcement officers and held for the owner to claim if their removal is necessary in order to permit test seining operations to be conducted

* * * * *

(w) Eels may be taken by any method except by the use of snag gear as defined in § 250.4, explosives, stunning agents or caustic or lethal chemicals in any form.

(x) Ceremonial fishing may be conducted during closed hours pursuant to a special permit issued by the Superintendent of the Northern California Agency. The Superintendent may impose any conditions on the permittee that are necessary to protect the fish resource or to assure that all fish caught are used exclusively for ceremonial purposes

8. By revising paragraphs (a) and (b) of §205.11 to read as follows:

§250.11 In-season and emergency regulations.

(a) The Area Director of the Bureau of Indian Affairs is authorized to make in-season and emergency changes to the regulations when necessary to ensure proper management of the fisheries of the Klamath and Trinity Rivers. This authority includes the following powers:

(1) To close all or part of an Indian fishery when, in the Area Director's judgment, a closure is necessary to meet conservation needs.

(2) To re-open all or part of an Indian fishery when, in the Area Director's judgment, that action will not jeopardize spawning escapement.

(b) In-season or emergency regulations shall be effective 24 hours after publication in the *Eureka Times Standard*. They shall stay in effect until modified or rescinded by the Area Director. Failure to complete subsequent provisions of this section shall not affect the validity of any in-season or emergency adjustment.

* * * * *

9. By revising paragraphs (a) and (c) of § 205.12 to read as follows:

§250.12 Fish catch reporting.

(a) All eligible fishers shall allow access to harvested fish to authorized biologists, technicians, and enforcement officers for the purpose of monitoring the harvest and to check for compliance with the provisions of this part.

* * * * *

(c) The U.S. Fish and Wildlife Service will compile in-season catch data from information obtained from spot checks of fishers, landing counts, creel censuses and other information collected by State, Federal and tribal officials.

10. By revising § 205.14 to read as follows:

§250.14 Enforcement.

(a) Eligible Indians who violate the provisions of this Part or any in-season or emergency adjustments promulgated under this Part are subject to prosecution before the Court of Indian Offenses of the Hoopa Valley Indian Reservation. The Indian Civil Rights Act and, except as modified by this Part, 25 CFR 11.5 (a) and (b), 11.6–11.8, 11.11, 11.12(a), 11.14–11.19, 11.21, and 11.33–11.37 apply.

(b) *Citations.* Law enforcement officers may issue citations to any eligible Indian the officer believes has committed a violation of the regulations of this Part. Such citation shall state when and where the person is charged.

(c) *Seizure.* Confiscation of fishing gear and fish.

(1) Any net or other fishing gear used in violation of these regulations and any fish caught or possessed in violation of these regulations may be seized by a law enforcement officer. Fishing gear or fish so seized shall be held pending disposition by court order except as specifically provided in these regulations.

(2) When a net or other fishing gear is seized and the owner is unknown to the enforcement officer, the prosecutor shall, without unreasonable delay, commence proceedings in the Court of Indian Offenses by petitioning the court for a judgment forfeiting the fishing gear and/or fish. When a net or other fishing gear is seized and the fishing gear is marked with an identification number the prosecutor shall, without unreasonable delay, notify by registered mail the holder of the identification munber that his or her fishing gear has been seized. The notice of seizure shall state the date of seizure, the place of seizure, and the time of seizure and shall direct the person whose gear has been seized to notify the court directly to arrange to have the matter placed on the court's calendar.

(3) Upon filing of such petition, the enforcement officer shall set out details of the seizure, citing time, place, and location of such seizure. A notice of seizure shall be left at the site where the fishing gear of fish were confiscated. The court upon receipt of the petition shall fix a time for a hearing and cause notices for unidentified gear of fish to be posted and published. A notice shall be published at least ten days prior to the forfeiture hearing at both courthouses of the Court of Indian Offenses. The clerk of the court shall publish notices in local news media having circulation on the reservation. Such notices shall be published for a period of five days and shall set forth the reason for the hearing. Once a person claims seized fishing gear or fish, the publication of the notice shall cease.

(4) Any fishing gear forfeited shall be sold at public sale as directed by the Superintendent.

(5) Any person who satisfies the court that he or she is the owner of any fishing gear or fish seized under this section may intervene in the forfeiture proceeding on behalf of the fishing gear or fish.

(6) If there is no objection by the seizing agency, nor any Federal statutory or regulatory prohibition, all fish seized may be sold by the Superintendent, Northern California Agency, and the proceeds held pending adjudication of the charge that was the basis of the seizure. Proceeds from sales of fish that are found, upon adjudication, to have been taken in violation of these regulations shall be transferred to a special Hoopa-Yurok Fund in the U.S. Treasury. Nothing in this section shall be construed to prevent undercover law enforcement officers from selling fish as part of their duties or to make legal the purchase of fish from such officers.

(d) *Complaint procedures.* Any person regulated under this Part may file a complaint in writing against a law enforcement officer. The Superintendent of the Northern California Agency shall, without unreasonable delay, conduct an investigation into any allegation of misconduct by the BIA law enforcement officer in carrying out the duties of that office. Upon completion of the investigation, the Superintendent shall make available to the complainant, upon written request, the findings of the investigation.

11. By revising § 250.16 to read as follows:

§ 250.16 Forceable assault and impeding a Federal employee.

(a) Any person who forcibly assaults, resists, impedes, or interferes with an

employee of the Interior Department in the performance of his or her duties under this Part may be prosecuted in Federal court under 18 U.S.C. 111.

(b) Any eligible Indian who forcibly assaults, resists, impedes, or interferes with a law enforcement officer, biologist or other authorized employee in the performance of his or her duties under this Part shall be fined not more than $500, sentenced to jail for a period not to exceed six months and have his or her fishing rights suspended for not more than one hundred eighty days during the fall chinook runs.

12. By adding a new § 250.19 to read as follows:

§ 250.19 Juries.

(a) A jury trial shall be provided upon demand by the defendant in any case in which the court determines, assuming all allegations are proved true, that a jail sentence may be imposed.

(b) A list of eligible jurors shall be developed from the list of eligible Indians.

(c) A jury shall consist of six eligible Indians chosen by the judge pursuant to rules promulgated by the court.

(d) No juror may be seated unless the court concludes beyond a reasonable doubt that he or she is able to render a fair and impartial verdict.

(e) The judge shall instruct the jury in the law governing the case and the jury shall reach a verdict of guilt or innocence as to each count charged.

(f) Verdicts shall be rendered by unanimous vote.

(g) The jury shall return a verdict of guilty if it concludes beyond a reasonable doubt that the defendant committed the offense with which he or she is charged.

(h) Each juror who serves on a jury is entitled to a fee not less than the hourly mimimum wage scale established by 29 U.S.C. § 206(a)(1), and any of its subsequent revisions, plus fifteen cents per mile travel costs. Each juror shall receive the travel allowance and pay for a full day (eight hours) for any portion of a day served.

(25 U.S.C. 2, 9 and 13; Reorganization Plan No. 3 of 1950, 64 Stat. 1262)

Dated: September 1, 1983.

Kenneth L. Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-25384 Filed 9-16-83; 8:45 am]

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

Freedom of Information Act; Schedule of Fees

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations on the availability of records so that its schedule of fees for the search of records will reflect increases in the direct costs incurred by the Commission in responding to requests for records.

EFFECTIVE DATE: October 19, 1983.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Assistant Legal Counsel, Legal Services, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, (202) 634-6592.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission published a notice of proposed rulemaking (48 FR 16837) on April 26, 1983, proposing to amend 29 CFR 1610.15(a). Today's action makes final the amendment of that regulation as proposed in the April 26, 1983 notice. This provision contains a schedule of fees utilized by the Commission for purposes of assessing costs to individuals who seek access to records under the Freedom of Information Act, 5 U.S.C. 552. The present fee schedule has become outdated since it does not reflect increases in direct costs to the Commission for the search for records requested. The higher costs are attributable to increases in the salaries of personnel required to search for records. The last search fee revision occurred in 1978. 43 FR 40223 (Sept. 11, 1978).

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and Executive Order 12291, the Equal Employment Opportunity Commission certifies that the economic effects of this rule have been carefully analyzed, and that it has been determined that neither a regulatory flexibility analysis nor a regulatory impact analysis is required.

This regulation is published pursuant to the requirements of the Freedom of Information Act, 5 U.S.C. 552(a)(4)(A). This provision is also promulgated in accordance with 31 U.S.C. 438a.

Comments: No comments were received regarding the proposed changes in these regulations.

List of Subjects in 29 CFR Part 1610

Freedom of Information.

PART 1610—AVAILABILITY OF RECORDS

Section 1610.15 of Title 29 of the Code of Federal Regulations is hereby amended so that paragraph (a) will read as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Except as otherwise provided, the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For actual search time by clerical personnel—at the rate of $7.00 per hour.

(2) For actual search time by professional personnel—at the rate of $17.00 per hour.

(3) For copies made by photocopying machine—$.15 per page (maximum of 10 copies).

(4) For attestation of each record as a true copy—$.75 per document.

(5) For certification of each record as a true copy, under the seal of the agency—$1.00.

(6) For each signed statement of negative result of search for record—$1.00.

(7) All other direct costs of search or duplication shall be charged to the requester in the same amount as incurred by the agency.

* * * * *

(31 U.S.C. 9701)

Signed this 13th day of September, 1983.

For the Commission.

Clarence Thomas,

Chairman.

[FR Doc. 83-25449 Filed 9-16-83; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[Docket No. AW700DE; A-3-FRL 2430-2]

Standards of Performance for New Stationary Sources; Delegation of Authority to the State of Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). On April 20, 1983, the State of Delaware