

**SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)**

REGION 5**CLEVELAND, OHIO SERVICE OFFICE**

STRUCTURE TYPE	MARKET: CLEVELAND NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			702	761	821
SEMI-DETACHED/ROW		492	534	603	648
WALKUP	405	436	468	543	589
ELEVATOR 2-4 STY	409	459	551		
ELEVATOR 5+ STY	444	484	579		
MANUFACTURED HOME					
	EFFECTIVE DATE		100182		
	TRENDED DATE		100184		

PREPARED ON 072183

REGION 9**LOS ANGELES, CALIFORNIA AREA OFFICE**

STRUCTURE TYPE	MARKET: SAN DIEGO NUMBER OF BEDROOMS					STRUCTURE TYPE	MARKET: EL CAJON NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+		-0-	-1-	-2-	-3-	-4+
DETACHED			603	716	791	DETACHED			603	716	791
SEMI-DETACHED/ROW		486	581	657	771	SEMI-DETACHED/ROW		486	581	657	771
WALKUP	392	448	542	635	681	WALKUP	392	448	542	635	681
ELEVATOR 2-4 STY	424	489	590			ELEVATOR 2-4 STY	424	489	590		
ELEVATOR 5+ STY	508	592	724			ELEVATOR 5+ STY	508	592	724		
MANUFACTURED HOME						MANUFACTURED HOME					
	EFFECTIVE DATE		100182				EFFECTIVE DATE		100182		
	TRENDED DATE		100184				TRENDED DATE		100184		

PREPARED ON 072183

[FR Doc. 83-28000 Filed 9-22-83; 8:45 am]

BILLING CODE 4210-27-C

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5 and 19

[T.D. ATF-146; Ref; Notice No. 417]

100 Milliliter and 375 Milliliter Standards of Fill for Distilled Spirits

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This final rule adds two sizes, the 100 ml and the 375 ml, to the standards of fill for distilled spirits and removes the intrastate commerce only authorization on the 100 ml. This action brings the total number of authorized standards of fill to eight.

In addition to permitting the distilled spirits industry to market their products in two additional sizes, it also allows consumers of these products a wider range of size choices in their purchases. This should enhance competition in the marketplace and provide benefits both for the industry and the consumer.

EFFECTIVE DATE: January 3, 1984.

FOR FURTHER INFORMATION CONTACT:

Roger Bowling, FAA, Wine and Beer Branch, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

100 Milliliter

Background. The use of the 100 ml was authorized in 27 CFR 19.632 for intrastate commerce only in Treasury Decision ATF-86 (46 FR 32224; June 19, 1981). This action was taken as a result of emergency conditions at Overbrook Egg Nog Corporation in Maryland. This company was and is highly dependent on contract bottling of the four fluid ounce or a metric equivalent size. Additionally, the State of Maryland indicated that the bottle size was important to the State.

Comments received on this Treasury decision claimed that the intrastate commerce only authorization gave companies located in particular States a competitive edge in that no products in the 100 ml size could be entered into those particular States where it was not bottled. Other commenters responded on the theme that to compete they must either solicit contracts with the in-State bottlers, who are also their major competitors, or the other option, totally unfeasible, is to establish bottling facilities in the States where they

wanted to market products in the 100 ml size. Further, it is very expensive to bottle small lots of distilled spirits in the 100 ml size.

After considering these comments, ATF decided to propose the addition of the 100 ml size to the standards of fill under 27 CFR Part 5. As a standard of fill under this part, the 100 ml could then be entered into and received from interstate or foreign commerce.

Notice of Proposed Rulemaking. On August 16, 1982, ATF issued Notice No. 417 (47 FR 35521) proposing the additions of the 100 ml and 375 ml sizes as standards of fill for distilled spirits. In this notice, ATF posed a number of specific issues relating to the adoption of these sizes. A total of 52 comments were received. Of the total commenters, there were: 41 distilled spirits industry members, three trade associations, one Federal Government agency, four State government agencies, one foreign government, one foreign trade association, and one consumer.

ATF requested comments on whether the adoption of these sizes would impose tax administrative problems, or production, recordkeeping, or inventory problems for distilled spirits plant proprietors and importers. Further, ATF requested information concerning the effect on competition if the sizes were adopted.

Specific comments were requested on the 100 ml size. The question was asked if the eight percent headspace requirement in § 5.46(b) should be imposed on bottles of a 100 ml capacity or whether they should be exempt from this requirement.

Comment Analysis. Of the total of 52 comments received, 35 commented on the 100 ml size. Of these, ten supported its adoption and 25 were opposed. Four commenters of the 25 opposing had no objection to the 100 ml size remaining in intrastate commerce only.

The basic objections to the 100 ml size were that its adoption would create increased production and inventory costs to industry and would not result in any benefit to the consumer. Others responded that with the availability of the 50 ml and 200 ml sizes, a 100 ml size was unnecessary; further, an increase in the number of standards of fill was not necessary and would tend to confuse the consumer.

The commenters supporting the 100 ml size stated that no increased costs or inventory records would result from its adoption. They further stated that competition would be enhanced by the 100 ml size and that consumers should be given the choice of purchasing this size. One commenter stated that

consumer welfare is enhanced by the availability of different sizes, not by the limitation of them. This commenter, the Department of Justice, also stated that although bottle confusion may be evident at first, it would soon diminish and disappear altogether based on the fact that the 100 ml size would tend to result in repeat purchases and consumers would soon discover the size differences.

Three commenters responded on the headspace issue. One stated no problem would arise, whether or not the 100 ml size was exempted, a second supported exempting the size of allowing a 10 percent headspace, and the third suggested a 15 percent headspace limitation.

Regulatory Amendment. ATF considered a number of alternatives in relation to adopting the 100 ml size. Foremost among these was whether or not the size should or should not be adopted.

ATF considered not adopting the 100 ml size for intrastate or foreign commerce, but retaining its use in interstate commerce only.

However, ATF believes that any of these restrictions would inhibit competition and create monopolies within certain States by distilled spirits plant proprietors. Therefore, by adopting the 100 ml size for interstate and foreign commerce, competition is enhanced instead of inhibited. Furthermore, given the fact that the 100 ml standard of fill, and its predecessor the four fluid ounce bottle, has been an accepted standard of fill in intrastate commerce, ATF believes that authorization of the 100 ml size on an interstate basis would not lead to consumer confusion arising from this particular bottle size. ATF also believes that adoption of such standard of fill will not result in direct cost increases to the distilled spirits industry since the use of this bottle size is at the election of the proprietor.

One commenter suggested that the 100 ml size be limited to cordials, liqueurs, and specialties. As such, it would be a useful size width which to test market new products and consumers could purchase the product in this small size. However, the adoption still allows for this and there does not seem to be an overriding reason to restrict the use of the 100 ml size to those products.

As to the headspace requirement, current regulations exempt all sizes having a capacity of less than 200 ml. Therefore, ATF believes that given the information furnished there is no additional information provided which

would support a change from the current requirement.

375 Milliliter

Background. AFT received a petition from Bacardi Importers, Inc., to amend regulations to allow the 375 ml size to be used in interstate and foreign commerce. This petition was followed by numerous letters of support from various segments in the distilled spirits industry.

Bacardi Importers, Inc. maintain in their petition that there is a consumer demand for the 375 ml size and that it would facilitate the international market since Canada, the United Kingdom, and the European Economic Community (EEC) utilize the 375 ml size as one of their standards of fill.

Although ATF had denied two previous petitions in 1980 for the 375 ml size, it was decided to air the issue in the rulemaking process, due to the support shown for the proposal.

Notice of proposed rulemaking. In Notice No. 417, ATF posed a number of issues concerning the 375 ml size. ATF requested comment on whether the similarity in bottle sizes between the 375 ml and 500 ml sizes would result in consumer confusion; whether a market need existed since the 200 ml and 500 ml sizes were available for small-size purchases, and whether international trade would be facilitated by the adoption of the 375 ml size.

Comment Analysis. Out of the comments received on Notice No. 417, 48 responded on these issues. Of this total, 37 commenters supported the 375 ml size while 11 were opposed.

However, of the 37 commenters, seven stated that the industry members should have the option of bottling either in the 375 ml or 500 ml size, but not both. Another nine commenters stated that if the 375 ml size was adopted, it should replace the 500 ml size and not be adopted in addition to this size.

The two primary reasons given for adopting the 375 ml size were that consumers should be given the choice of purchasing the size and that some industry members, wholesalers in particular, were experiencing a five to seven percent decrease per year in sales volume on the 500 ml size, thus reflecting a need for the 375 ml size.

Those commenters opposing the 375 ml size stated that it would result in increased and unnecessary problems. Those supporting the 375 ml size said it would not result in production problems and would enhance competition.

Six commenters responded on the international trade issue. Three stated that trade would be facilitated since the 375 ml size is a recognized size in many countries. Three commenters opposing

stated that the 375 ml size can be bottled now for export purposes. Even though the 375 ml size can, at present, be bottled for export, no American importer can bring into the United States products which are bottled in the 375 ml size in other countries. ATF believes the market, both American and foreign, should be a free trade market with equal competition between all industry members, thus preventing the creation of a non-tariff trade barrier.

Concerning the possible consumer confusion issue over the similarity of bottle sizes between the 375 ml size and the 500 ml size, nine commenters submitted responses. Five stated that confusion would arise if both sizes were in the market at the same time. Four stated that no confusion or deception would arise, primarily because of the price difference between the sizes. The Department of Justice again stated that although confusion may be evident at first, it would soon disappear and that repeated purchases would negate the confusion.

ATF does not disagree with the comments that the bottles are very similar in size and shape. However, as one commenter stated, there will be price differences between the two sizes. Further, most sales are made in size groupings and are clearly marked on the shelves in retail stores. Net content statements are required to appear in a legible manner, either blown in the bottle or stated on the label. Although there may be some confusion between the sizes at first, one commenter stated that repeat purchases will preclude this after a time.

As to a market need, 18 commenters stated a need existed for the 375 ml size while 10 stated that the 500 ml size already fulfilled the market demand for a 375 ml size.

Regulatory Amendment. ATF is adopting the 375 ml size for the use in interstate and foreign commerce. However, two alternatives were considered in light of the comments received.

Alternatives. Two groups of commenters wanted an industry option of bottling either in the 375 ml size or 500 ml size, but not both; the other group advocated that the 375 ml size, if adopted, replace the 500 ml. ATF gave serious consideration to both suggestions, each having some merit.

As a result of this consideration, ATF is initiating further rulemaking on both suggestions, the industry bottling option and the replacement. A notice discussing the alternatives will be published in the near future. However, ATF does not believe the adoption of

the 375 ml size should be delayed due to this additional rulemaking.

Miscellaneous Amendments

In Notice No. 417, ATF proposed a number of administrative and editorial changes to regulatory sections in 27 CFR Part 5, Subpart E. These changes were proposed to reflect the fact that metric standards became mandatory on January 1, 1980. Therefore, § 5.38a is obsolete and is removed. Further, the exception for cordials, liqueurs, cocktails, and specialties no longer applies to the metric standards of fill, thus resulting in the obsolescence of § 5.48(b). To remove this section entirely, ATF is as proposed, redesignating and rewording § 5.48(a), relating to the exception to design and headspace requirement to § 5.46(d).

The completeness of conversion required in § 5.47a(d) is removed since all bottling must now be done in metric standards of fill. The effective date of metric conversion is revised in paragraph (d) of § 5.47. Further, the dates of applicability for each section is added to the titles of the sections. Section 5.45 is amended to show the removal of § 5.48.

To reflect the adoption of the 100 ml size for interstate and foreign commerce, the intrastate authorization in § 19.632 is removed.

Effective Date

ATF is making these regulations effective January 3, 1984. ATF believes this time period will permit industry to make the necessary preparations to bottle and market the new sizes.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it was certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), in the notice of proposed rulemaking leading to this final rule that regulations would not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981) because it will not have:

(a) An annual effect on the economy of 100 million dollars or more;

(b) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(c) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export market.

Drafting Information

The principal author of this document is Roger L. Bowling, of the FAA, Wine and Beer Branch.

List of Subjects**27 CFR Part 5**

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Government agencies, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research and security measures, Spices and flavorings, Surety bonds, Transportation, U.S. Possessions, Warehouses, Wine.

Authority and Issuance

This final rule is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205 and 26 U.S.C. 5301. Accordingly, 27 CFR Parts 5 and 19 are amended as follows:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Paragraph 1. The table of sections in 27 CFR Part 5 is amended by removing the listing for § 5.38a and 5.48; and to add parenthetical expressions to the titles of §§ 5.47 and 5.47a. As amended, the table of sections reads as follows:

Subpart E—Standards of Fill for Distilled Spirits**Sec.**

5.47 Standards of fill (distilled spirits bottled before January 1, 1980).

5.47a Metric Standards of fill (distilled spirits bottled after December 31, 1979).

Par. 2. Section 5.38 is revised to reflect the fact that metric standards of fill became mandatory on January 1, 1980, and to delete the requirement to show the U.S. equivalent volume on bottles labeled in metric sizes. As revised, § 5.38 reads as follows:

§ 5.38 Net contents.

(a) *Bottles conforming to metric standards of fill.* The new contents of distilled spirits shall be stated in the same manner and form as set forth in the standards of fill in § 5.47a.

(b) *Bottles not conforming to the metric standards of fill.* The net contents for distilled spirits bottled before January 1, 1980, in bottles not conforming to the metric standards of fill, shall be stated in the same manner and form as set forth in § 5.47(a), except for cordials and liqueurs, cocktails, highballs, bitters and specialties, as specified by the Director. The net contents for these specialty products shall be stated in U.S. measure (i.e., gallons, quarts, pints, fluid ounces).

(c) *Net contents marked in bottles.* The net contents need not be marked on any label if they are legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director on the side, front, or back of the container in an unobscured location. Containers of 200 ml or greater capacity shall bear letters and figures of not less than one-quarter inch height.

(d) *Qualifying statements.* Words or phrases qualifying statements of new contents are prohibited.

§ 5.38a [Removed]

Par. 3. Section 5.38a is removed in its entirety.

§ 5.45 [Amended]

Par. 4. Section 5.45 is amended by removing the reference to § 5.49 and replacing it with 5.47a to reflect the removal of § 5.48 and previous removal of § 5.49.

Par. 5. Section 5.46 is amended by adding a new paragraph (d) giving the exception to the headspace and design requirements. As added, § 5.46(d) reads as follows:

§ 5.46 Standard liquor bottles.

(d) *Exceptions.* The headspace and design requirements in paragraphs (b) and (c) of this section do not apply to liquor bottles which are specifically exempted by the Director, pursuant to an application filed by the bottler or importer.

Par. 6. Section 5.47 is amended by adding a parenthetical expression to the title; and by removing the reference to the conversion period to the metric standards of fill in paragraph (d). As revised, § 5.47(d) reads as follows:

§ 5.47 Standards of fill (distilled spirits bottled before January 1, 1980).

(d) *Limitations.* This section does not apply after December 31, 1979.

Par. 7. Section 5.47a is amended by (1) adding a parenthetical expression to the title; (2) adding 100 and 375 ml size to the standards of fill; (3) deleting paragraph (d) since the metric conversion period is over; and (4) redesignating paragraph (e) as paragraph (d). The revised title and paragraph (a) of § 5.47a reads as follows:

§ 5.47a Metric standards of fill (distilled spirits bottled after December 31, 1979).

(a) *Authorized standards of fill.* The standards of fill for distilled spirits are the following:

1.75 liters
1.00 liters
750 milliliters
500 milliliters
375 milliliters
200 milliliters
100 milliliters
50 milliliters

Par. 8. Section 5.48 is removed in its entirety.

PART 19—DISTILLED SPIRITS PLANTS**Subpart R—Liquor Bottle and Label Requirements**

Par. 9. Section 19.632 is revised to remove the 100 ml intrastate commerce authorization. As revised, § 19.632 reads as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of Part 5 of this chapter, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of Part 5 of this chapter is

prohibited for packaging of distilled spirits for domestic purposes.

Signed: July 13, 1983.

W. T. Drake,

Acting Director.

Approved: September 7, 1983.

J. M. Walker, Jr.,

Assistant Secretary Enforcement and Operations.

[FR Doc. 83-26031 Filed 9-22-83; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 16

Equal Access to Justice Act; Amendment to Regulations

AGENCY: Office of the Secretary, Labor.
ACTION: Final rule.

SUMMARY: The Equal Access to Justice Act authorizes the establishment of uniform rules by each agency to provide for the payment of fees and expenses to eligible parties who prevail in an adversarial administrative proceeding against any agency of the Government. This amendment adds to the list of proceedings of the Wage and Hour Division, Employment Standards Administration, those actions under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 *et seq.*) (MSPA), which are deemed to be adversarial proceedings for the purposes of the Act and these Regulations.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT:

Paul E. Myerson, Counsel for Employment Standards, Division of Fair Labor Standards, Office of the Solicitor, Room N-2716, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523-7620.

SUPPLEMENTARY INFORMATION: Effective December 29, 1981, the Department issued final rules for implementing the Equal Access to Justice Act (5 U.S.C. 504, Pub. L. 96-481, section 203(a)(1)). Those regulations, codified in this part, identify at § 16.104 the proceedings which are subject to the Equal Access to Justice Act. The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 *et seq.*) (MSPA), enacted subsequent to the promulgation of these regulations, is not included thereunder. Sections 103(b) and 503(b) of MSPA (29 U.S.C. Sec. 1813(b) and 1853(b)) provide for adversary adjudications under 5 U.S.C. 554 and therefore the Equal

Access to Justice Act and these regulations are applicable to those proceedings under MSPA which involve the suspension or revocation of a certificate authorized under the Act, and the assessment of a civil money penalty made pursuant to the Act. Proceedings to grant or renew certificates authorized by MSPA are excluded from the application of the Equal Access to Justice Act and these regulations as set forth in § 16.104(a) of these regulations. Enforcement authority and responsibility for MSPA has been delegated and assigned to the Wage and Hour Division, Employment Standards Administration, by Secretary's Order No. 5-83 and Employment Standards Order No. ES 83-1 (48 FR 15352). The proceedings of the Wage and Hour Division, Employment Standards Administration, deemed to be adversarial adjudications which are covered by the Equal Access to Justice Act and these Regulations, when all other conditions in that Act and these regulations are met, are listed in § 16.104(a)(2) of these regulations. Accordingly, language incorporating the affected MSPA proceedings is being added to § 16.104(a)(2) of these regulations as paragraphs (v) and (vi).

Publication as a Final Rule

The Department has determined that these rules, mandated by the recent enactment of MSPA, are procedural in character. Accordingly, pursuant to U.S.C. 553(b)(3)(A), notice and public comment are unnecessary.

Effective Date

Because the additions to this rule are procedural in character, they shall become effective on publication instead of thirty days thereafter. This determination is made pursuant to 5 U.S.C. 553(d).

Drafting Information

This document was prepared under the direction and control of Francis X. Lilly, Deputy Solicitor of Labor, U.S. Department of Labor, Room S-2002, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523-7675.

Executive Order 12291, Regulatory Flexibility Act and Paperwork Reduction Act

The additions to this rule are procedural in character. Therefore, this final rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for

consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

This final rule is not subject to the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164, because it is not a rule within the meaning of that Act. See 5 U.S.C. 601(2).

This final rule is not subject to section 3504(h) of the Paperwork Reduction Act since it would not require any new additional collection or retention of information.

List of Subjects in 29 CFR Part 16

Claims, Classified information, Equal access to justice, Lawyers, Migrant and Seasonal Agricultural Worker Protection Act, Reporting and recordkeeping requirements.

Accordingly, Part 16 of Subtitle A of Chapter 29, Code of Federal Regulations, is amended as set forth below.

Signed at Washington, D.C. on this 20th day of September, 1983.

Raymond J. Donovan,
Secretary of Labor.

PART 16—EQUAL ACCESS TO JUSTICE ACT

1. The authority citation for Part 16 remains as follows:

Authority: Pub. L. 96-481, 94 Stat. 2327 (5 U.S.C. 504).

2. Section 16.104 is amended by adding paragraphs (a)(2)(v) and (a)(2)(vi) to read as follows:

§ 16.104 Proceedings covered.

(a) * * *

(2) * * *

(v) Revocation and suspension of certificates under the Migrant and Seasonal Agricultural Worker Protection Act at 29 U.S.C. 1813(b) and 29 CFR 500.200.

(vi) Civil money penalties under the Migrant and Seasonal Agricultural Worker Protection Act at 29 U.S.C. 1853(b) and 29 CFR 500.200.

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[FR Doc. 83-26034 Filed 9-22-83; 8:45 am]
BILLING CODE 4810-23-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 210, 241, 250, 251, and 256

Interim and Permanent Regulatory Program; Information Collection

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its interim and permanent program regulation by publishing the approval of information collection as part of the rules, as required by the Office of Management and Budget (OMB). The amendment adds a new Information Collection section to each part. The new section includes the OMB approval number, the pertinent part or section for each existing information collection requirement, and the purpose of the requirement.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Any questions pertaining to this amendment should be directed to Nina B. Peterson, Federal Register Liaison Officer, Minerals Management Service (MS 631), 12203 Sunrise Valley Drive, Reston, Virginia 22091; (703) 435-6400.

SUPPLEMENTARY INFORMATION: Under the Federal Paperwork Reduction Act (April 1, 1981), approval authority for information collection and reporting requirements was transferred from the General Accounting Office to the Office of Management and Budget (OMB). OMB requires that approvals be codified within the structure of the rules. This amendment does not establish any new information collection and reporting requirements but simply places the existing approvals within the structure of the rules.

This amendment contains the clearance numbers established by OMB. In addition, the Parts now contain the summary information which was developed when seeking approval of the requirements and which is contained in the annual Information Collection Budget which is on file with MMS and OMB.

Administrative Procedure Act

The Department has determined that it is unnecessary under the Administrative Procedure Act (5 U.S.C. 553(b)) to publish this rule for comment because it does not change the rights and obligations of the public.

Executive Order 12291

The Department has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because it has no economic effect on the public.

Regulatory Flexibility Act

The Department has also determined that this rule will not have a significant economic effect on a substantial number of small entities and does not, therefore, require a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

National Environmental Policy Act of 1969

This rulemaking qualifies as a Categorical Exemption under Appendix 1, Chapter 2, Part 516 of the Departmental Manual; thus no environmental assessment has been conducted under the National Environmental Policy Act.

Authors

Nina B. Peterson and Mary Ann Milosavich, Federal Register Liaison Officers, Minerals Management Service, Department of the Interior (703) 435-6400.

List of Subjects

30 CFR Part 210

Government contracts, Reporting and recordkeeping requirements, Mineral royalties, Continental shelf, Public lands-mineral resources, Geothermal energy.

30 CFR Part 241

Government contracts, Reporting and recordkeeping requirements

30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas reserves, Penalties, Pipelines, Public lands-mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 251

Continental shelf, Freedom of information, Public lands—mineral resources, Reporting and recordkeeping requirements, Science and technology.

30 CFR Part 256

Administrative practice and procedure, Continental shelf, Government contracts, Mineral royalties, Oil and gas exploration, Pipelines, Public lands-mineral resources, Public lands rights-of-way,

Reporting and recordkeeping requirements, Surety bonds.

(5 U.S.C. 301; 44 U.S.C. 3501 et seq.)

Dated: September 14, 1983.

Thomas M. Gernhofer,
Acting Director.

For the reasons set forth above, 30 CFR Parts 210, 241, 250, 251, and 256 are amended as shown:

PART 210—FORMS AND REPORTS

Subpart A—General Provisions

1. Section 210.10 is added as follows:

§ 210.10 Information collection.

The information collection requirements contained in Part 210 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms and approved OMB clearance numbers are as follows:

Form No., name, and filing date	OMB No.
9-361/361A—Monthly Report of Sales and Royalty—due 10th day of second month following production month	1010-0009
9-614A—Rental and Royalty Remittance Advice—due by end of month following sales month	1010-0010
MMS-4025—Payor Information Form—due 30 days after issuance of a new lease or a change to an existing lease	1010-0033
MMS-2014—Report of Sales and Royalty Remittance—due by the end of second month following production month for royalty payments and for rentals no later than anniversary date of the lease	1010-0022

The information is being collected by the Department of the Interior to meet its congressionally mandated accounting and audit responsibilities relating to Federal and Indian mineral royalty management. The information will be used to determine the type and quantity of mineral production on Federal and Indian lands, the amount of royalties due, the person(s) responsible for payment, and the amounts paid. The reports are mandatory.

PART 241—PENALTIES

Subpart A—General Provisions

2. Section 241.10 is added as follows:

§ 241.10 Information collection.

The information collection requirements contained in Part 241 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms and approved OMB clearance numbers are as follows:

Form No., name, and filing date	OMB No.
6-329/329A—Monthly Report of Operations—due 10th day of second month following production month	1010-0005
9-361/361A—Monthly Report of Sales and Royalty—due 10th day of second month following production month	1010-0009

The information is being collected by the Department of the Interior to meet its congressionally mandated accounting and audit responsibilities relating to Federal and Indian mineral royalty management. The information will be used to determine the type and quantity of mineral production on Federal and Indian lands, the amount of royalties due, the person(s) responsible for payment, and the amounts paid. The reports are mandatory.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

3. Paragraphs (c), (d), (e), (f), and (g) are added to § 250.0 as follows:

§ 250.0 Authority for information collection.

* * *

(c) The information collection requirements contained in 30 CFR 250.45 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0035. The information is being collected and will be used for analysis of safety concerns offshore. The obligation to respond is mandatory under section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347).

(d) The information collection requirements for Form MMS-331C contained in 30 CFR 250.36 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0044. The information is being collected and will be used to evaluate and approve the lessees' proposal to drill, deepen, or plug back a well. The obligation to respond is mandatory.

(e) The information collection requirements for Form MMS 331 contained in 30 CFR 250.38 and 250.92 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0045. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved with wells offshore. The obligation to respond is mandatory.

(f) The information collection requirements for Form MMS-330 contained in 30 CFR 250.38 and 250.95

have been approved by the office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0046. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved in completing or recompleting a well. The obligation to respond is mandatory.

(g) The information collection requirements for Form MMS-152 contained in 30 CFR 250.93 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0012. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved in oil and gas operations offshore once drilling has commenced. The obligation to respond is mandatory.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

4. Paragraph (c) is added to § 251.0 as follows:

§ 251.0 Authority for information collection.

* * *

(c) The information collection requirements contained in 30 CFR 251.6 do not require approval by the Office of Management and Budget under 44 U.S.C. 3504(h) because there are fewer than 10 respondents annually.

PART 256—OUTER CONTINENTAL SHELF MINERALS AND RIGHTS-OF-WAY MANAGEMENT, GENERAL

5. Part 256 is amended by removing the "Information Collection Requirements Note" paragraph at the beginning of the Part.

6. Section 256.0 is added as follows:

§ 256.0 Authority for information collection.

The information collection requirements contained in 30 CFR Part 256 have been approved by the Office number 1010-0008. The information is being collected to determine if the applicant filing for a lease or right-of-way on the outer continental shelf is qualified to hold such a lease or right-of-way. This information will be used in making this determination. The obligation to respond is required to obtain a benefit.

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Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Modification of Deadline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is modifying the deadline for North Dakota to meet one of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is extending the deadline for the State to resolve condition "F" until October 1, 1983. Condition "F" concerns the State's program provisions governing coal exploration activities.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240. Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: The North Dakota program was conditionally approved under SMCRA on December 15, 1980 (45 FR 82241-82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071).

On July 30, 1982, North Dakota submitted proposed statutory and regulatory program changes for OSM's approval. The proposed amendments included modifications of Section 38-12.1-03 of the North Dakota Century Code (NDCC) which were intended to address condition "F" of the Secretary's approval of the State program.

Condition "F" stipulates that North Dakota must submit to the Secretary copies of fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCC 38-12.1-03 to include "environmental data gathering operations."

Because OSM was contemplating changes to the Federal coal exploration regulations, the Secretary deferred making a decision on the adequacy of North Dakota's amendment in meeting condition "F" and extended the deadline for North Dakota to satisfy the condition until July 1, 1983 (48 FR 5902, February 9,