

ACTION: Interim final rule with request for comments.

SUMMARY: The U.S. District Court for the Eastern District of Louisiana held in *Chevron U.S.A. Inc. v. Watt* (Civ. Action No. 82-2840, May 23, 1983) that section 24(b) of the Outer Continental Shelf (OCS) Lands Act authorizes the Secretary of the Interior (Secretary) to assess civil penalties against Federal OCS oil and gas lessees for violations of the OCS Lands Act and related requirements only after the lessee has been given notice of the violation and has failed to correct it within any reasonable period allowed. The decision of the U.S. District Court effectively invalidates the regulation found at 30 CFR 250.80-2(a)(1). This interim final rule is being issued to revise § 250.80-2(a)(1) consistently with the U.S. District Court's decision.

DATES: This interim final rule becomes effective on September 30, 1983. Comments must be received or postmarked no later than November 29, 1983.

ADDRESSES: Comments should be sent to: Minerals Management Service, Room 6A110, 12203 Sunrise Valley Drive, Mail Stop 846, Reston, Virginia 22091. Attention: David A. Schuenke.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, telephone: (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: Before today, 30 CFR 250.80-2(a)(1) (which implements section 24(b) of the OCS Lands Act) provided, in pertinent part:

Pursuant to subsection 24(b) of the Act, any person who fails to comply with any * * * order * * *, shall be liable for a civil penalty of not more than \$10,000 for each day of continuance of such failure. The Director may assess, collect, and compromise a civil penalty after notice of the failure and the passage of a reasonable period of time to allow for corrective action.

The U.S. District Court for the Eastern District of Louisiana held in *Chevron U.S.A. Inc. v. Watt* (Civ. Action No. 82-2840, May 23, 1983) that § 250.80-2(a)(1) exceeds the authority of section 24(b) of the OCS Lands Act insofar as it could be construed to mean that the Secretary is authorized to assess civil penalties against Federal OCS oil and gas lessees for violations of the OCS Lands Act and related requirements where a violation is corrected within any reasonable period allowed by the Minerals Management Service.

Accordingly, 30 CFR 250.80-2(a)(1) is being revised consistently with the court's construction of section 24(b) of the OCS Lands Act. In accordance with

5 U.S.C. 553(b)(B) of the Administrative Procedure Act, the Department of the Interior (DOI) finds good cause why advance notice and advance public comment on this interim final rule are unnecessary and contrary to the public interest. A Notice of Proposed Rulemaking is precluded by the ruling of the U.S. District Court for the Eastern District of Louisiana in *Chevron*, previously cited, which effectively invalidated 30 CFR 250.80-2(a)(1). Thus, it is necessary for the rule to be made immediately effective in order to ensure that section 24(b) of the OCS Lands Act is properly implemented. The issues associated with the rule will be fully aired since public comments will be considered after publication of the interim final rule.

The DOI has determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required.

The DOI has also determined that this document is not a major rule under Executive Order 12291 because this rule will impose no costs on Federal OCS lessees and permittees or on consumers.

The DOI has certified that this rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the entities that engage in activities on the OCS are not considered small due to the technical complexity of such activities and the financial resources necessary to conduct them.

The information collection requirements contained in 30 CFR 250.80 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0038.

Drafting Information

This document was drafted by Neil Stoloff, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 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.

(43 U.S.C. 1331 et seq.)

Dated: August 6, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

PART 250—[AMENDED]

For the reasons set forth above, 30 CFR Part 250 is amended to read as shown:

1. In § 250.0, paragraph (h) is added to read as follows:

§ 250.0 Authority for information collection.

(h) The information collection requirements contained in 30 CFR 250.80 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010-0038. The information is being collected and will be used to review violations for possible imposition of civil penalties when appropriate. The obligation to respond is mandatory.

2. In § 250.80-2, paragraph (a)(1) is revised to read as follows:

§ 250.80-2 Penalties.

(a)(1) Pursuant to subsection 24(b) of the Act, if any person fails to comply with any provision of the Act, or any term of a lease, license, or permit issued pursuant to the Act, or any regulation or order issued under the Act, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than \$10,000 for each day of the continuance of such failure. The Director may assess, collect, and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing pursuant to § 250.80 of this part.

[FR Doc. 83-26765 Filed 9-29-83; 8:45 am]

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Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 732, 736, 740, 780, 784, 785, 795, 800, 816, 817, 824, 828, 840, 842, 850

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Technical Amendments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Final rule; Technical Amendments.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is

amending its rules regarding surface coal mining and reclamation operations to correct typographical errors, misspellings, and obsolete part and section references. Due to the major reorganization and redesignation of CFR units that took place in 1982-1983, a number of part and section references in unrevised sections were superseded. They are corrected in this rulemaking to cite the proper section number.

EFFECTIVE DATE: October 31, 1983.

FOR FURTHER INFORMATION CONTACT:

Jan Benson, Division of Environmental Analysis, Office of Surface Mining, U.S. Department of Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202-343-5587.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Amendments
- III. Procedural Matters

I. Background

OSM recently completed its regulatory review, which was conducted in response to Executive Order 12291. In the course of this study, approximately 300 sections of 30 CFR Chapter VII were revised. Due to this reorganization and revision many of the sections not revised contained incorrect part and section references. This rulemaking will correct those references and make any other spelling or typographical corrections. These corrections are considered technical amendments and no change in meaning or application is intended. The main purpose for these technical amendments is to assure that 30 CFR Chapter VII, due for update in October 1983 is as accurate as possible. Some of the unrevised sections mentioned here are presently being studied for possible revision.

II. Discussion of amendments

For amendments 1-10, 12-29, 31-38, 40-45, 52, 53 and 64-70, the cited sections or parts within the provisions being amended are corrected to correspond with the redesignation and/or removal of certain section numbers. The remaining amendments are made for different reasons, such as spelling or typographical errors, and are discussed below by numbers.

Amendment No. 11—In § 740.11(a)(3) the phrase "except as specified in this subchapter" is being removed because there is no such specification elsewhere in the subchapter referred to.

Amendment No. 30—Paragraph (d) of § 784.20 originates from previous § 784.20(b) as stated in the preamble of June 1, 1983 (48 FR 24641). It was intended that this final rule provision read the same as the previous rule.

Therefore the addition of the two words "if any" is made to follow the intentions of the final rule as stated in the preamble.

Amendment No. 39—The title of Part 795 is revised so that it does not duplicate the title of Part 701 and so it more explicitly reflects the content of the part.

Amendment Nos. 46 and 56—The abbreviation "(DS)" is added in the tables of §§ 816.67(d) and 817.67(d) to identify "scaled-distance factor" for the reader and no change in meaning results.

Amendment No. 47—This amendment corrects a typographical error.

Amendment No. 48—This amendment inserts the word "the" in the phrase "incompatible with the stability" in § 816.71(e)(4) to make the provision read the same as § 817.71 as intended and explained in the preamble.

Amendment Nos. 49, 50 and 62—These amendments correct typographical errors.

Amendment Nos. 51 and 63—Sections 816.151(c)(6) and 817.151(c)(6) contain the same obvious typing error. The indicated corrections make the provisions understandable and bring them into agreement with the preamble explanation of the provisions.

Amendment No. 54—The word "as" is added to § 817.57(b) so that the provision reads the same as § 816.57(b) as was intended. The addition of the word does not change the meaning of the provision.

Amendment No. 55—The amendatory language for § 817.64 mistakenly read as a revision in the Federal Register of March 8, 1983 (48 FR 9809). It should have been an addition to Part 817 because the provisions, though just revised and transferred from deleted § 817.65, are moved to § 817.64, which did not previously exist.

Amendment Nos. 57 and 59—These spelling and punctuation corrections made to § 817.71 are to make the provisions read the same as § 816.71 as intended and explained in the preamble.

Amendment Nos. 58 and 61—These amendments correct typographical errors.

Amendment No. 60—The phrasing is changed in § 817.71(h)(2) to make the provisions read the same as § 816.71 as intended and explained in the preamble. There is no change in meaning.

Amendment No. 71—The title of Part 850 is revised so that it does not duplicate the title of Part 701 and so it more explicitly reflects the content of the part.

Amendment No. 72—Section 850.12(a) contains an obvious typing error. The indicated correction makes the

provision understandable and brings it into agreement with the preamble explanation of the provision.

Amendment No. 73—The phrase "publication date" in § 850.12(b) is corrected to read "March 4, 1983", which is the publication date. It was originally intended that this date would be inserted by the printer (See proposed rule, March 24, 1982, 47 FR 12783).

III. Procedural Matters

Executive Order 12291

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

Regulatory Flexibility Act

The Department has also determined that this document will not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act.

National Environmental Policy Act

This rulemaking is not a major Federal action, but a procedural rule covered under the previous rulemakings. Therefore, an environmental assessment is not required for this rulemaking, which is covered under the environmental assessments and environmental impact statements prepared for the previous rulemakings.

Federal Paperwork Reduction Act

It has been determined that the information collection requirements do not change due to the corrections of this rulemaking, and therefore it is exempt from the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and does not require clearance by Office of Management and Budget.

List of Subjects in 30 CFR

Part 700

Administrative practice and procedure, Coal mining, Surface mining, Underground mining, and Reporting and recordkeeping requirements.

Parts 701 and 842

Coal mining, Law enforcement, Surface mining, and Underground mining.

Part 732

Coal mining, Intergovernmental relations, Reporting and recordkeeping requirements, Surface mining, and Underground mining.

Part 736

Coal mining, Intergovernmental relations, Surface mining, and Underground mining.

Part 740

Coal mining, Public lands, Minerals resources, Surface mining, and Underground mining.

Part 780

Coal mining, Reporting and recordkeeping requirements, and Surface mining.

Part 784

Coal mining, Reporting and recordkeeping requirements, and Surface mining.

Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, and Underground mining.

Part 795

Coal mining, Grant programs, Natural resources, Small businesses, Surface mining, Technical assistance, and Underground mining.

Part 800

Coal mining, Insurance, Reporting and recordkeeping requirements, Surety bonds, Surface mining and Underground mining.

Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements and Underground mining.

Part 824

Coal mining, Environmental protection and Surface mining.

Part 828

Coal mining, Environmental protection, Surface mining, and Underground mining.

Part 840

Coal mining, Intergovernmental relations, Law enforcement, Reporting and recordkeeping requirements, Surface mining and Underground mining.

Part 850

Explosives, Miners, Safety, Surface mining and Training programs. Accordingly, 30 CFR Parts 700, 701, 732, 736, 740, 780, 784, 785, 795, 800, 816, 817, 824, 828, 840, 842, and 850 are amended as set forth herein.

Dated: September 28, 1983.

Perry P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

PART 700—GENERAL**§ 700.11 [Amended]**

1. Paragraph (a)(6) of § 700.11 is amended by removing the reference to "Part 211 of this title" and inserting in its place "43 CFR Parts 3480-3487".

PART 701—PERMANENT REGULATORY PROGRAM**§ 701.5 [Amended]**

2. The definition of "Excess spoil" in § 701.5 is amended by removing the reference to "§§ 816.102(c) and 817.102(c)" and inserting in its place "§§ 816.102(d) and 817.102(d)".

3. The definition of "Soil survey" in § 701.5 is amended by removing the reference to "30 CFR 785.17(b)(1)" and inserting in its place "30 CFR 785.17(c)(1)".

§ 701.11 [Amended]

4. Section 701.11(a) is amended by removing the reference to "§ 771.13(b)" and inserting in its place "30 CFR 773.11(b)".

5. Paragraphs (d)(1)(i), (d)(1)(ii) and (d)(1)(iii) of § 701.11 are each amended by removing the reference to "30 CFR 786.21" and inserting in its place "30 CFR 773.15".

6. Paragraph (e)(1) of § 701.11 is amended by removing the reference to "30 CFR Part 776" and inserting in its place "30 CFR Part 772".

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS**§ 732.15 [Amended]**

7. Paragraph (b)(3) of § 732.15 is amended by removing the two references to "30 CFR Parts 776 and 815" and inserting in their place "30 CFR Parts 772 and 815".

PART 736—FEDERAL PROGRAM FOR A STATE**§ 736.22 [Amended]**

8. Paragraph (b)(1) of § 736.22 is amended by removing reference to Parts "760" and "765".

9. Paragraph (b)(2) of § 736.22 is amended by removing reference to Parts "770, 776, 787" and inserting in their place "772, 773, 775".

PART 740—GENERAL REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS ON FEDERAL LANDS**§ 740.13 [Amended]**

10. Paragraph (c)(8) of § 740.13 is amended by removing the reference to "Part 787" and inserting in its place "Part 775".

§ 740.11 [Amended]

11. Paragraph (a)(3) of § 740.11 is amended by replacing the comma after "States" with a period and removing the phrase "except as specified in this subchapter".

§§ 740.4, 740.5, 740.11, 740.13, 740.15, 740.17 and 740.19 [Amended]

12. In addition to the amendments set forth above, Part 740 is amended by removing the reference to "Part 211 of this title" and inserting in its place the reference "43 CFR Parts 3480-3487" in each of the following places:

- (a) § 740.4 (c)(5), (c)(6), (d)(1), (d)(3), (d)(4) and (d)(5);
- (b) § 740.5(b);
- (c) § 740.11(a)(1);
- (d) § 740.13 (a)(3) and (f)(2);
- (e) § 740.15(d)(1);
- (f) § 740.17(a)(3); and
- (g) § 740.19(a)(2) and (b)(2)(ii).

PART 772—REQUIREMENTS FOR COAL EXPLORATION**§ 772.1 [Amended]**

13. Section 772.1 is amended by removing the reference to "30 CFR Part 211," and inserting in its place "43 CFR Parts 3480-3487".

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENT FOR RECLAMATION AND OPERATION PLAN**§ 780.16 [Amended]**

14. Paragraph (a)(2) of § 780.16 is amended by removing the reference to "30 CFR 816.111-816.117" and inserting in its place "30 CFR 816.111-816.116".

§ 780.18 [Amended]

15. Paragraph (b)(3) of § 780.18 is amended by removing the reference to "30 CFR 816.101-816.106" and inserting in its place "30 CFR 816.102-816.107".

16. Paragraph (b)(5) of § 780.18 is amended by removing the reference to "30 CFR 816.111-816.117" and inserting in its place "30 CFR 816.111-816.116".

17. Paragraph (b)(7) of § 780.18 is amended by removing the reference to "30 CFR 816.89 and 816.103" inserting in its place "30 CFR 816.89 and 816.102".

§ 780.25 [Amended]

18. Paragraph (a)(3)(i) of § 780.25 is amended by removing the reference to "§§ 816.91-816.93" inserting in its place "30 CFR 816.81-816.84".

19. Paragraph (d) of § 780.25 is amended by removing the reference to "30 CFR 816.81-816.85" and inserting in its place "30 CFR 816.81-816.84".

20. Paragraph (e) of § 780.25 is amended by removing the reference to "30 CFR 816.91-816.93" and inserting in its place "30 CFR 816.81-816.84".

§ 780.35 [Amended]

21. Paragraph (c) of § 780.35 is amended by removing the reference to "30 CFR 816.71(i)" and inserting in its place "30 CFR 816.71(d)".

§ 780.37 [Amended]

22. Paragraph (b) of § 780.37 is amended by removing the reference to "30 CFR 816.150(d), 816.152(c), 816.160(d) or 816.162(c)" and inserting in its place "30 CFR 816.150 and 816.151".

23. Paragraph (c) of § 780.37 is amended by removing the reference to "30 CFR 816.153(d), 816.163(d) or 816.173(c)" and inserting in its place "30 CFR 816.150 and 816.151".

24. Paragraph (d) of § 780.37 is amended by removing the reference to "30 CFR 816.153(c)(2)(vi) and 816.163(c)(2)(vi)" and inserting in its place "30 CFR 816.150 and 816.151".

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS-MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 784.13 [Amended]

25. Paragraph (b)(3) of § 784.13 is amended by removing the reference to "30 CFR 817.101-817.106" and inserting in its place "30 CFR 817.102-817.107".

26. Paragraph (b)(7) of § 784.13 is amended by removing the reference to "30 CFR 817.89 and 817.103" and inserting in its place "30 CFR 817.89 and 817.102".

§ 784.16 [Amended]

27. Paragraph (a)(3)(i) of § 784.16 is amended by removing the reference to "30 CFR 817.91-817.93" and inserting in its place "30 CFR 817.81-817.84".

28. Paragraph (d) of § 784.16 is amended by removing the reference to "30 CFR 817.81-817.85" and inserting in its place "30 CFR 817.81-817.84".

29. Paragraph (e) of § 784.16 is amended by removing the reference to "30 CFR 817.91-817.93" and inserting in its place "30 CFR 817.81-817.84".

§ 784.20 [Amended]

30. Paragraph (d)(5) of § 784.20 is corrected by adding the words ", if any," after the word "Monitoring".

§ 784.21 [Amended]

31. Paragraph (a)(2) of § 784.21 is amended by removing the reference to "§§ 817.111-817.117" and inserting in its place "30 CFR 817.111-817.116".

§ 784.24 [Amended]

32. Paragraph (b) of § 784.24 is amended by removing the reference to "30 CFR 817.150(d), 817.152(c), 817.160(d) or 817.162(c)" and inserting in its place "30 CFR 817.150 and 817.151".

33. Paragraph (c) of § 784.24 is amended by removing the reference to "30 CFR 817.153(d), 817.163(d), or 817.173(c)" and inserting in its place "30 CFR 817.150 and 817.151".

34. Paragraph (d) of § 784.24 is amended by removing the reference to "30 CFR 817.153(c)(2)(vi) and 817.163(c)(2)(vi)" and inserting in its place "30 CFR 817.150 and 817.151".

35. Paragraph (a) of § 784.25 is amended by removing the reference to "30 CFR 817.88" and inserting in its place "30 CFR 817.81(f)".

§ 784.200 [Amended]

36. Section 784.200 is amended by correcting the reference "§ 788.12" to read "§ 774.13", the reference "§ 771.21(b)(3)" to read "§ 774.13", and the reference "30 CFR Parts 786 and 787" to read "30 CFR Parts 773 and 775".

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

§ 785.11 [Amended]

37. Paragraph (b)(2) of § 785.11 is amended by removing the reference to "30 CFR Part 809" and inserting in its place "30 CFR 800.70".

§ 785.16 [Amended]

38. Paragraph (a)(5) of § 785.16 is amended by removing the reference to "or 782.15".

PART 795—PERMANENT REGULATORY PROGRAM—SMALL OPERATOR ASSISTANCE PROGRAM

39. The title of Part 795 is revised to read as set forth above.

§ 795.9 [Amended]

40. Paragraph (b)(1) of § 795.9 is amended by removing the reference to "§§ 780.21(g) and 784.14(g)" and inserting in its place "§§ 780.21(f) and 784.14(e)".

41. Paragraph (d) of § 795.9 is amended by removing the reference to

"§ 786.15" and inserting in its place "§ 773.13(d)".

PART 800—BOND AND INSURANCE REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATORS UNDER REGULATORY PROGRAMS

§ 800.40 [Amended]

42. Paragraph (d) of § 800.40 is amended by correcting the reference to "§ 800.21(a)(4)" to read "§ 800.21(f)".

§ 800.50 [Amended]

43. Paragraph (c) of § 800.50 is amended by correcting the reference to "§ 800.11(d)(3)" to read "§ 800.11(b)".

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.11 [Amended]

44. Paragraph (f) of § 816.11 is amended by removing the reference to "§ 816.23" and inserting in its place "§ 816.22".

§ 816.45 [Amended]

45. Paragraph (b)(2) of § 816.45 is amended by removing the reference to "§ 816.101" and inserting in its place "§ 816.102".

§ 816.67 [Amended]

46. The table located between Paragraphs (d)(2)(i) and (d)(2)(ii) of § 816.67 is amended by adding the abbreviation "(Ds)" after the word "monitoring" in the third column.

47. Paragraph (d)(3) of § 816.67 is amended by correcting the phrase "W=(D/D)" to read "W=(D/Ds)".

§ 816.71 [Amended]

48. Paragraph (e)(4) of § 816.71 is amended by correcting the phrase "with stability" to read "with the stability".

§ 816.73 [Amended]

49. The word "fill" in the title of § 816.73 is corrected to read "fills".

§ 816.150 [Amended]

50. Paragraph (b)(1) of § 816.150 is amended by adding the letter "s" to the word "practice".

§ 816.151 [Amended]

51. Paragraph (c)(6) of § 816.151 is amended by correcting the phrase "crossings shall be made using" to read "crossings, made using".

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

§ 817.11 [Amended]

52. Paragraph (f) of § 817.11 is amended by removing the reference to "§ 817.23" and inserting in its place "§ 817.22".

§ 817.45 [Amended]

53. Paragraph (b)(2) of § 817.45 is amended by removing the reference to "§ 817.101" and inserting in its place "§ 817.102".

§ 817.57 [Amended]

54. Paragraph (b) of § 817.57 is amended by correcting the phrase "designated a" to read "designated as a".

§ 817.64 [Amended]

55. The amendatory language for § 817.64 is corrected to clarify the section is "added" and not "revised".

§ 817.67 [Amended]

56. The table located between Paragraphs (d)(2)(i) and (d)(2)(ii) of § 817.67 is amended by adding the abbreviation "(Ds)" after the word "monitoring" in the third column.

§ 817.71 [Amended]

57. Paragraph (b)(2) of § 817.71 is amended by replacing the word "at" with the word "of".

58. Paragraph (e)(2) of § 817.71 is amended by correcting the reference to "§ 816.22" to read "§ 817.22".

59. Paragraph (h)(1) of § 817.71 is amended by adding the letter "s" to the end of the word "inspection" in the first line, and inserting a comma after the word "preparation" in Paragraph (h)(1)(i).

60. Paragraph (h)(2) of § 817.71 is amended by correcting the phrase "provide, to the regulatory authority, a certified report" to read "provide a certified report to the regulatory authority".

§ 817.74 [Amended]

61. Paragraph (e)(4) of § 817.74 is amended by correcting the reference "§ 816.22" to read "§ 817.22".

§ 817.150 [Amended]

62. Paragraph (b)(1) of § 817.150 is amended by adding the letter "s" to the word "practice".

§ 817.151 [Amended]

63. Paragraph (c)(6) of § 817.151 is amended by correcting the phrase "crossings shall be made using" to read "crossings, made using".

§ 817.200 [Amended]

64. Paragraph (d) of § 817.200 is amended by correcting the reference "30 CFR 788.12" to read "30 CFR 774.13", the reference "30 CFR 771.21(b)(3)" to read "30 CFR 774.13", and the reference "30 CFR 786 and 787" to read "30 CFR Parts 773 and 775".

PART 824—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—MOUNTAINTOP REMOVAL

§ 824.11 [Amended]

65. Paragraph (a)(11) of § 824.11 is amended by removing the reference "30 CFR 816.52" and inserting in its place "30 CFR 816.41 and 816.43".

PART 828—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—IN SITU PROCESSING

§ 828.12 [Amended]

66. Paragraph (a) of § 828.12 is amended by removing the reference to "30 CFR 817.52" and inserting in its place "30 CFR 817.41".

PART 840—STATE REGULATORY AUTHORITY INSPECTION AND ENFORCEMENT

§ 840.11 [Amended]

67. Paragraph (f)(2) of § 840.11 is amended by removing the reference to "§ 807.12(e)" and inserting in its place "§ 800.40".

§ 840.14 [Amended]

68. Paragraph (b)(2) of § 840.14 is amended by removing the reference to "§§ 776.17 and 786.15" and inserting in its place "§§ 772.15 and 773.13(d)".

PART 842—FEDERAL INSPECTIONS AND MONITORING

§ 842.11 [Amended]

69. Paragraph (c)(2)(iii)(B) of § 842.11 is amended by removing the reference to "§ 807.12(e)" and inserting in its place "§ 800.40".

§ 842.16 [Amended]

70. Paragraph (a)(2) of § 842.16 is amended by removing the reference to "§§ 776.17, 786.15" and inserting in its place "§§ 772.15, 773.13(d)".

PART 850—PERMANENT REGULATORY PROGRAM REQUIREMENTS—STANDARDS FOR CERTIFICATION OF BLASTERS

71. The title of Part 850 is revised to read as set forth above.

§ 850.12 [Amended]

72. Paragraph (a) of § 850.12 is amended by correcting the phrase "rules to the for" to read "rules to the Office of Surface Mining for".

73. Paragraph (b) of § 850.12 is amended by correcting the phrase "publication date" to read "March 4, 1983".

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 83-26589 Filed 9-29-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Parts 402 and 403

Revision of Tariff of Tolls and Rules of Procedure of the Joint Tolls Review Board

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects the table in § 402.8, Schedule of Tolls, by separating the material which was formerly (a)(3) into (a) (3) and (4) so as to conform with the revisions made to the Tariff of Tolls as a result of an Agreement entered into by the Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada on November 30, 1981. The revised Tariff of Tolls was published as a final rule on Tuesday, March 30, 1982 (47 FR 13333) and on Thursday, April 1, 1982 (47 FR 13803).

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel, (315) 764-3245.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 82-8375 appearing on pages 13335 and 13336 in the issue of March 30, 1982 and in FR Doc. 82-8375 appearing on page 13805 in the issue of April 1, 1982.

§ 402.8 [Corrected]

	Tolls			
	Montreal to or from Lake Ontario		Lake Ontario to or from Lake Erie (Welland Canal)	
	1982	1983	1982	1983
(a)				
(3) A charge in dollars per passenger per lock	1.00	1.00	1.00	1.00
(4) A charge in dollars per lock for complete or partial transit of the Welland Canal in either direction by cargo or passenger vessels, which may be shared by vessels in tandem:				
(i) loaded: Per Lock	NA	NA	150.00	250.00
(ii) in ballast: Per Lock	NA	NA	75.00	167.50

Issued at Massena, New York on
September 21, 1983.

Saint Lawrence Seaway Development
Corporation.

William H. Kennedy,
Associate Administrator.

[FR Doc. 83-26702 Filed 9-29-83; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Amendment of Regulations on Mailing Unsolicited Advertisements for Contraceptives

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Postal regulations dealing with nonmailable written, printed, and graphic matter currently reflect the provisions of 39 U.S.C. 3001(e)(2), a statute prohibiting the mailing of certain advertisements for contraceptives (123.434, Domestic Mail Manual). A recent Supreme Court decision held the statute unconstitutional. The revision necessitated by this decision deletes the current provisions, notes the reason therefor, and advises addressees who find such mail objectionable of an alternative remedy.

EFFECTIVE DATE: September 30, 1983.

FOR FURTHER INFORMATION CONTACT: John F. Ventresco, (202) 245-5898.

SUPPLEMENTARY INFORMATION: On August 18, 1983, the Postal Service published in the Federal Register, 48 FR 37439, a notice of a proposed rule to amend the postal regulations referred to in the Summary above, and invited public comments. No comments were received. Accordingly, the Postal Service hereby adopts, without change, the following amendment of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1 (1982).

List of Subjects in 39 CFR Part 111
Postal Service.

Part 123—Nonmailable Matter—Written, Printed, and Graphic

Revise 123.434 to read as follows:
434 The statute making unsolicited advertisements for contraceptives nonmailable to consumers (39 U.S.C. 3001(e)(2)) has been held unconstitutional by the U.S. Supreme Court. Any addressee of such an advertisement sent through the mails, who considers the matter which it offers for sale to be "erotically arousing or sexually provocative," may seek a prohibitory order to prevent receipt of any further mail from the sender (See 123.6).

A transmittal letter making this change in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, Office of General
Law and Administration.

[FR Doc. 83-26772 Filed 9-29-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

(FRL-2443-3)

Decision To Exclude the Printing and Publishing Point Source Category From Regulation Under the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision to exclude the Printing and Publishing Point Source Category from regulation under the Clean Water Act and availability of documents.

SUMMARY: On January 19, 1982, the then Assistant Administrator for Water executed an affidavit which excluded six subcategories of the Printing and

Publishing Point Source Category from nationally applicable effluent limitations guidelines and standards under the Clean Water Act. This action was taken pursuant to the provisions of paragraph 8(a)(iv) of the Settlement Agreement in *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

EPA has recently published a document which explains the basis of our decision and also contains information and data on water usage, toxic pollutant discharge levels, and control and treatment technologies employed in the printing and publishing industry. This document is now available to the public.

DATES: The decision not to establish national regulations was effective on January 19, 1982.

ADDRESSES: Copies of the document supporting EPA's decision to exclude the printing and publishing industry from regulation under the Clean Water Act may be obtained by writing to Gregory N. Aveni, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The title of the document is: "Summary of Available Information on the Levels and Control of Toxic Pollutant Discharges in the Printing and Publishing Point Source Category", U.S. EPA, September 1983.

FOR FURTHER INFORMATION CONTACT: Gregory N. Aveni at (202) 382-7185 or Robert W. Dellinger at (202) 382-7137.

SUPPLEMENTARY INFORMATION: The printing and publishing point source category includes all manufacturing establishments whose primary line of business falls within Major Group 27 of the 1972 *Standard Industrial Classification Manual*. EPA divided the printing and publishing industry into eight subcategories based on process considerations:

Art and Copy Preparation and Composition.

Photoprocessing (printing and/or publishing facilities engaged in internal photoprocessing operations).

Nonmetallic Platemaking.

Metallic Platemaking.

Gravure Cylinder Preparation.

Pressroom (Nonwater-Based Inks).

Pressroom (Water-Based Inks).

Finishing and Binding Operations.

Art and copy preparation and composition operations do not involve the use of water, and finishing and binding operations are essentially dry processes. Because these two subcategories are dry or result in the discharge of very small quantities of toxic wastewater pollutants, they have