

(iii) *Clinical Chemistry and Clinical Toxicology Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(iv) *Dental Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(v) *Ear, Nose, and Throat Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(vi) *Gastroenterology-Urology Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(vii) *General and Plastic Surgery Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(viii) *General Hospital and Personal Use Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(ix) *Hematology and Pathology Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(x) *Immunology Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(xi) *Microbiology Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(xii) *Neurological Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(xiii) *Obstetrics-Gynecology Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of

devices currently in use and makes recommendations for their regulation.

(xiv) *Ophthalmic Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(xv) *Orthopedic and Rehabilitation Devices Panel. (a)* Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(xvi) *Radiologic Devices Panel. (a)*

Established April 14, 1984.

(b) Function: Reviews and evaluates data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

(2) *Device Good Manufacturing Practice Advisory Committee. (i)* Date established: August 12, 1978.

(ii) Function: Reviews proposed regulations for good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations on the feasibility and reasonableness of the proposed regulations.

(3) *Medical Radiation Advisory Committee. (i)* Date established: October 31, 1963.

(ii) Function: Advises on the formulation of policy and development of a coordinated program for the application of ionizing radiation in the healing arts.

(4) *Technical Electronic Product Radiation Safety Standards Committee. (i)* Date Established: October 18, 1968.

(ii) Function: Advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation under 42 U.S.C. 263f(f)(1)(A).

(e) [Reserved]

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the Federal Register, April 24, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: April 18, 1984.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-10942 Filed 4-23-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 880, 881, 883, 884 and 886

[Docket No. R-84-1040; FR 1675]

Section 8 Housing Assistance Payments Program for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule implements certain provisions in the Housing and Community Development Amendments of 1981 relating to the Section 8 Housing Assistance Payments Program for New Construction and Substantial Rehabilitation. The amendments (1) authorize Section 8 assistance for substantially rehabilitated single-room occupancy (SRO) housing; (2) permit HUD to provide Section 8 assistance for a family residing in a manufactured home where the family rents the space only or where it rents both the space and the manufactured home; (3) provide for limitations on cost and rent increases after the selection of a Section 8 New Construction or Substantial Rehabilitation proposal; (4) require that Section 8 New Construction projects must be modest in design; and (5) provide a preference for locating Section 8 New Construction projects on land provided by States or units of local government.

This rule implements these statutory requirements and also provides for a minimum contract term of twenty years for Section 8 New Construction or Substantial Rehabilitation housing assistance payments contracts as required by the Housing and Community Development Amendments of 1979.

EFFECTIVE DATE: May 24, 1984.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, Room 6128, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On March 28, 1983, the Department published in the Federal Register (48 FR 12698) an interim rule amending 24 CFR Parts 880, 881, 883, 884 and 886 to implement provisions of the Housing and Community Development Amendments of 1981 as described in the

Summary, above. At the time of publication, interested persons were invited to submit comments on this interim rule for use by the Department in developing a final rule.

Five public comments were received by the Department concerning the interim rule. Four of the comments expressed general support for the rule, especially those provisions relating to single-room occupancy (SRO) housing, and offered no specific criticisms or recommendations.

The fifth comment, from the Illinois Housing Development Authority, expressed concern about the new limitations on cost and rent increases as applied to State Housing Finance Agencies (see revised § 883.305(b) of interim rule). The commenter objects to these new limitations on the grounds that they will require new HFA certifications, are unnecessary because similar limitations on rent increases are already in effect under 24 CFR 883.408(d), and are an attempt to modify, by regulation, previously executed HAP agreements that do not contain these limitations.

In response, it should be noted that these limitations on cost and rent increases are mandated by the Housing and Community Development Amendments of 1981, and the Department must implement the required limitations. They are applicable by statute to all Section 8 New Construction and Substantial Rehabilitation projects, including those under the State Agencies Program, for which HAP Agreements were executed on or after October 1, 1981.

Section 883.408(d), which the interim rule deleted and replaced with § 883.305(b), provided for HFA certification on rent increases between execution of the HAP Agreement and Contract execution, but did not address rent increases during the period between approval of the project proposal and execution of the Agreement. Because of this discrepancy, and because the list of circumstances in § 883.408(d) that might warrant a rent increase was somewhat different from the statutory language, the Department decided to replace the certification required by § 883.408(d) with one that more explicitly meets the new statutory requirements. Because the statute also refers to limitations on cost increases, the Department is also requiring that the HFA certify that any replacement cost increases during the same time period are for one of the reasons specified in the statute.

Consistent with the 1981 Amendments, cost and rent increases are permitted only for (a) design

changes required by the HFA, HUD, or the State or local government; (b) changes in financing approved by the HFA; or (c) unforeseen factors determined by the HFA to be beyond the owner's control. The rule gives some examples of circumstances that may qualify as "unforeseen factors", but these examples are not intended to be all inclusive. Depending on the particular circumstances, other situations previously listed in § 883.408(d) could possibly be classified by the HFA as "unforeseen factors". Thus, for the majority of cases, there should not be any substantive difference in the circumstances under which a rent increase is approvable.

As noted above, the Department has determined that conformity with the statute requires that these limitations be applied to all projects for which HAP Agreements were executed on or after October 1, 1981. The limitations will apply without regard to whether the Agreement contains specific language to this effect, since the statutory provision constituted law at the time the Agreement was executed. These regulatory changes do not apply to any project for which the HAP Agreement was executed before October 1, 1981. In addition, these changes have no impact on the Annual Adjustment procedure for adjusting rents following completion of the project.

Impact of Housing and Urban-Rural Recovery Act of 1983 (HURRA)

A number of provisions enacted in the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-101, 97 Stat. 1153) are relevant to this final rule.

Section 202 of the 1983 Act authorizes the Secretary of HUD to increase, from 15 to 30 percent, a statutory limitation on units under the jurisdiction of a public housing agency which may be occupied by single persons who are not elderly, handicapped, displaced or the remaining member of a tenant family. Any such percentage increase must follow consultation with the public housing agency involved and a determination by the Secretary that (1) the dwelling units involved are neither being occupied, nor are likely to be occupied within the next 12 months, by elderly, handicapped or displaced persons or the remaining member of a tenant family due to the condition or location of the units and (2) the units may be occupied if made available to other single persons.

This statutory waiver authority, coupled with the Department's general waiver authority contained in 24 CFR 899.101, will permit HUD to assure that current occupancy restrictions on single individuals who are not elderly,

handicapped, displaced or remaining members of a tenant family do not unnecessarily impede the overall purposes of the SRO program. The Department has determined that further elaboration of this waiver authority in the body of the CFR is not necessary. HUD Field Office Managers may direct any requests for waivers of the generally applicable 15 percent limitation found in 24 CFR Part 812 to the Assistant Secretary for Housing.

Section 209 of the 1983 Act effectively repeals the Secretary's authority to enter into Section 8 contracts for newly constructed or substantially rehabilitated units. However, Section 209(b) keeps the authority alive for certain "pipeline" units—i.e., the authorities repealed will remain in effect with respect to any funds obligated for a viable Section 8 project before January 1, 1984. It also keeps the authorities alive with respect to any elderly and handicapped housing project financed under Section 202 of the Housing Act of 1959. With respect to these excepted units, the provisions relating to the Section 8 Substantial Rehabilitation program in this rule still apply. Additional technical changes to the CFR necessitated by enactment of Section 209 of the 1983 Act will be made at a later time.

Section 210 of the 1983 Act provides that assistance under the Section 8 Existing Housing Program may be made available to single room occupancy (SRO) housing where the unit of general local government in which the property is located and the local public housing agency certify to the Secretary that the property complies with local health and safety standards. In order to provide opportunity for public comment, implementation of this new authority will be by separate rulemaking.

Findings and Miscellaneous

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for

consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The changes made by this rule can be considered technical adjustments to the existing structure of the Section 8 program. They do not change the goals toward which program activities are directed. Their effect, both on small and large entities, should be minor.

Information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (P.L. 96-511) and have been assigned the following OMB control numbers: 2502-0118 (Previous Participation Certificate, HUD-2530); 2502-0124 (Application for Assignment of Portion of Set-Aside to Specific Project, HUD-52616); 2502-0182 (Housing Owner's Certification and Application for Housing Assistance, HUD-52670 and 52670(A)); 2502-0204 (Certification and Recertification of Tenant Eligibility, HUD 50059 and 50059(A)); 2502-0232 (Supplemental Application and Processing Forms, Housing for the Elderly or Handicapped, HUD-92013(E)); 2535-0027 (Affirmative Fair Housing Marketing Plan, HUD-935.2).

The Catalog of Federal Domestic Assistance program number is 14.156.

This rule is listed at 48 FR 47421 as items H-130-82 in the Department's Semiannual Agenda of Regulations published on October 17, 1983 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Lists of Subjects

24 CFR Parts 880 and 881

Grant programs—housing and community development, Rent subsidies, Low and moderate income housing; Lower income housing.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, New Construction and substantial rehabilitation, Lower income housing.

24 CFR Part 884

Grant programs—housing and community development, rent subsidies, Rural areas, Low and moderate income housing, Lower income housing.

24 CFR Part 886

Grant programs—housing and community development, Housing assistance payments, Lower income housing.

Accordingly, the interim rule published March 23, 1983 in the Federal Register (48 FR 12698) amending 24 CFR Parts 880, 881, 883, 884 and 886 is hereby adopted as a final rule.

Dated: April 16, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-10642 Filed 4-23-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Interim final rule.

SUMMARY: This Notice amends the regulations to require the granting of a suspension of operations to permit time to carry out the activities described in an approved development and production plan for a Gulf of Mexico lease in water depths of 400 to 900 meters.

DATES: This interim final rule becomes effective April 24, 1984. Comments must be delivered or postmarked no later than May 24, 1984.

ADDRESS: Comments should be sent to: Minerals Management Service, Room 6A110, 12203 Sunrise Valley Drive, Mail stop 646, Reston, Virginia 22091, Attention: Jane Roberts.

FOR FURTHER INFORMATION CONTACT: Jane Roberts, telephone: (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: Section 8(b) of the Outer Continental Shelf (OCS) Lands Act states that an oil and gas lease shall "be for an initial period of five years; or not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water. * * *

The current water-depth criterion used by the Minerals Management Service (MMS) for longer lease terms is 900 meters. We believe some accommodation need be made for water depths between 400 and 900 meters.

The primary term provides the right to explore, develop, and produce the lease. If production is commenced within the primary term, the lease remains in effect for so long as production continues. If the primary term is not adequate to allow for exploration, development, and production and, therefore, there is not production to continue the lease, a suspension of operations may be granted under certain circumstances. However, a suspension of operations is discretionary and subject to changes in policy. The lack of certainty as to whether a suspension will be granted may adversely impact bidding on tracts where insufficient time might be a factor. The prospect of losing a lease for lack of time to obtain production through no fault of the lessee adds another risk to a venture that is already inherently risky and costly.

To acknowledge the technical realities of development in deeper waters and to alleviate the uncertainty surrounding the granting of a suspension, this Notice amends the rules at 30 CFR 250.12 to provide for a mandatory suspension for leases in water depths of 400 to 900 meters. The suspension shall be for whatever period of time is necessary to complete the activities described in a development and production plan that has been approved by MMS. The provision for the automatic extension of a 5-year lease term would help ensure that high-cost investments, both for bidding and exploration, would not be jeopardized by unreasonable time frames. We believe this is preferable to an outright extension of the primary term because the time that may actually be required to produce at the 400- to 900-meter water depth may vary significantly from less than 5 years to 10 years.

The automatic extension based on an approved plan is expected to encourage exploration and development notwithstanding that the time frame allowed is increased. The additional time will decrease risk and is expected to increase both the size of the bids and the number of tracts bid on. Financial reality indicates that the timing of exploration is affected by the size of the bid, i.e., the higher the bid, the more costly the delay; therefore, the sooner exploration occurs. Thus providing an adequate time frame would encourage activity. At this time, the rule will only

be applicable for leases in the Gulf of Mexico which contain a corresponding lease stipulation. In order to assess the desirability of application to other OCS areas, we are requesting comments on that issue.

The Department of the Interior (DOI) has determined that it is not required to follow the provisions of the Administrative Procedure Act at 5 U.S.C. 553(b)(B) and that a Notice of Proposed Rulemaking is not necessary and is contrary to public interest. The subject of extended lease terms for deepwater tracts, those over 400 meters, has already been put before the public in a Request for Comments published in the *Federal Register* on December 20, 1983 (48 FR 56279).

In addition, numerous tracts in water depths of 400 to 900 meters are to be offered in central Gulf of Mexico Sale 81, scheduled for late April 1984. It is in the public interest to offer these tracts with provision for adequate time to explore and develop in order to encourage the size and number of bids and ultimately to increase oil and gas supplies.

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

The DOI has determined that this document is not a major rule under Executive Order 12291 because the annual economic effect is less than \$100 million. It is estimated that there will be \$95,040 saved annually by not having to file additional requests for extensions of discretionary suspensions. Also, it is estimated that industry will realize \$2.4 million per year in profit on marginal leases that they might not otherwise bid on and develop.

The Department also certifies 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 offshore activities are not considered small due to the technical complexity and financial resources necessary to conduct such activities.

The information collection requirements in 30 CFR 250.12 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0030. This amendment will not affect the level of information collection previously cleared.

Author: This document was prepared by Jane Roberts, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 30 CFR Part 250

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

43 U.S.C. 1334

Dated: March 24, 1984.

William D. Bettenberg,

Director.

PART 250—[AMENDED]

For the reasons set forth above, 30 CFR Part 250 is amended as follows:

1. Section 250.12 is amended by adding a new paragraph (c) as follows:

§ 250.12 Suspension of operations and lease cancellation.

(c) For leases in the Gulf of Mexico and as provided for by lease stipulation, the Director shall suspend or temporarily prohibit production or any other operation or activity pursuant to a lease when such lease is in water depths of 400 to 900 meters, provided that the suspension or temporary prohibition shall be for such period of time as is necessary to complete the activities described in a development and production plan approved by the Regional Supervisor in accordance with § 250.34-2. However, in no case shall the suspension or temporary prohibition be for a period of time which exceeds 5 years.

2. In § 250.12, paragraphs (c), (d), (e), (f), and (g) are redesignated (d), (e), (f), (g), and (h), respectively.

3. In redesignated § 250.12(d), the phrase in the first sentence is revised to read " * * pursuant to paragraph (a), (b), or (c) of this section. * * * "

4. The reference in redesignated § 250.12(e)(2) to paragraph (d)(1) is changed to (e)(1).

5. The references in redesignated § 250.12 (e)(5) and (f) to paragraph (g) are changed to (h);

6. The references in redesignated § 250.12(g)(1) (ii) and (iii) to paragraph (f)(1)(i) are changed to (g)(1)(i).

7. The references in redesignated § 250.12 (h) to (d), (e), and (f) are changed to (e), (f), and (g), respectively.

8. The reference in redesignated § 250.12(h)(2)(i) to paragraph (g)(1) is changed to (h)(1).

[FR Doc. 84-10885 Filed 4-23-84; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 82-025]

Drawbridge Operation Regulations; Navigable Waterways of the United States

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule reorganizes Coast Guard regulations for drawbridges across the navigable waters of the United States. This reorganization has been undertaken to consolidate common requirements previously repeated throughout the regulations and to organize the bridges listed into a more usable format. This reorganization improves the organization and clarity of the drawbridge operating regulations and facilitates the use and understanding of these regulations by drawbridge owners, drawtenders, boaters, and other interested parties.

EFFECTIVE DATE: May 24, 1984.

FOR FURTHER INFORMATION CONTACT: Al Meschter, 202-426-1380.

SUPPLEMENTARY INFORMATION: On July 12, 1982, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (47 FR 30176) proposing to revise 33 CFR Part 117—Drawbridge Operation Regulations. As a result of the many comments and suggested changes, the Coast Guard published a Supplementary Notice of Proposed Rulemaking (SNPRM) on May 31, 1983 (48 FR 24094) incorporating many of these suggestions and any changes that had been made to individual drawbridge operation regulations under other rulemaking projects since the NPRM was published.

Drafting Information

The principal persons involved in drafting this regulation are: Mr. Frank L. Teuton, Jr., Project Manager, and Stephen H. Barber, Project Attorney.

Discussion of Comments

Twelve comments were received on the SNPRM. Five suggested changes that will require the opportunity for full public participation and separate rulemaking actions. Seven recommended minor editorial changes which have been adopted. A number of changes in bridge ownership are also reflected in this Final Rule.

A footnote has been added to § 117.9, Delaying opening of a draw, recommending that operators of vessels