requester shall arrange with the Privacy Act Officer a mutually agreeable time in the offices of the Farm Credit System Insurance Corporation for inspection of the record.

§ 1403.6 Special procedures for medical records.

Medical records in the custody of the Farm Credit System Insurance Corporation which are not subject to Office of Personnel Management regulations shall be disclosed either to the individual to whom they pertain or that person's authorized or legal representative or to a licensed physician named by the individual.

§ 1403.7 Request for amendment to record.

(a) If, after disclosure of the requested information, an individual believes that the record is not accurate, relevant, timely, or complete, that person may request in writing that the record be amended. Such a request shall be submitted to the Privacy Act Officer and shall identify the system of records and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes.

(b) The Privacy Act Officer shall acknowledge receipt of the request within 10 days (excluding Saturdays, Sundays, and legal holidays) and, if a determination has not been made, advise the individual when that person may expect to be advised of action taken on the request. The acknowledgment may contain a request for additional information needed to make a determination.

§ 1403.8 Agency review of request for amendment of record.

Upon receipt of a request for amendment of a record, the Privacy Act Officer shall:

(a) Correct any portion of a record which the individual making the request believes is not accurate, relevant, timely, or complete and thereafter inform the individual in writing of such correction, or

(b) Inform the individual in writing of the refusal to amend the record and of the reasons therefor, and advise that the individual may appeal such determination as provided in § 1403.9.

§ 1403.9 Appeal of an initial adverse determination of a request to amend a record.

(a) Not more than 10 days (excluding Saturdays, Sundays, and legal holidays) after receipt by an individual of an adverse determination on the individual's request to amend a record or otherwise, the individual may appeal to the Chief Operating Officer, Farm Credit System Insurance Corporation, McLean, Virginia 22102–0826.

(b) The appeal shall be by letter, mailed or delivered to the Chief Operating Officer, Farm Credit System Insurance Corporation, McLean, Virginia 22102–0826. The letter shall identify the records involved in the same manner they were identified to the Privacy Act Officer, shall specify the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. Also, the letter shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(c) The review shall be completed and a final determination made by the Chief Operating Officer not later than 30 days (excluding Saturdays, Sundays, and legal holidays) from receipt of the request for such review, unless the Chief Operating Officer extends such 30-day period for good cause. If the 30-day period is extended, the individual shall be notified of the reasons therefor.

(d) If the Chief Operating Officer refuses to amend the record in accordance with the request, the individual shall be notified of the right to file a concise statement setting forth that person's disagreement with the final determination and that person's right under 5 U.S.C. 552a(g)(1)(A) to a judicial review of the final determination.

(e) If the refusal to amend a record as requested is confirmed, there shall be included in the disputed portion of the record a copy of the concise statement filed by the individual together with a concise statement of the reasons for not amending the record as requested. Such statements will be included when disclosure of the disputed record is made to persons and agencies as authorized under 5 U.S.C. 552a.

§ 1403.10 Fees for providing copies of records.

Fees for providing copies of records shall be charged in accordance with §§ 1402.22 and 1402.24 of this chapter.

§ 1403.11 Criminal penalties.

Section 552a(i)(3) of the Privacy Act (5 U.S.C. 552a(i)(3)) makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning any individual from an agency under false pretenses. Sections 552a(i) (1) and (2) of the Act (5 U.S.C. 552a(i) (1), (2)) provide penalties for violation by agency employees of the Act or regulations established thereunder.

§ 1403.12 Exemptions.

Specific. Pursuant to 5 U.S.C. 552a(k)(5), the investigatory material compiled for law enforcement purposes in the following system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and from the provisions of this part:

Personnel Security Files—FCSIC.

Dated: October 18, 1994.

Curtis M. Anderson,

Secretary to the Board, Farm Credit System Insurance Corporation.

[FR Doc. 94–26178 Filed 10–20–94; 8:45am]

BILLING CODE 6710–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 27065; Amendment No. 121–237]

RIN 2120–AE43

Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Technical amendment.

SUMMARY: This document contains technical amendments to the final rule establishing the alcohol misuse prevention program (AMPP). The final rule was published February 15, 1994. These amendments correct typographical errors or clarify provisions to reflect the FAA's actual intent.

EFFECTIVE DATE: October 21, 1994.

FOR FURTHER INFORMATION CONTACT: Office of Aviation Medicine, Drug Abatement Division (AMA–800), Federal Aviation Administration, 400 7th Street, SW., Washington, DC 20590; telephone (202) 366–6710.

SUPPLEMENTARY INFORMATION:

Availability of Notice

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Inquiry Center (APA–230), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Requests must include the notice number of this notice.

Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11–2A. Notice of

Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On February 15, 1994, the FAA published a final rule establishing the AMPP for the aviation industry (59 FR 7380). Since the publication of the final rule, the FAA identified six items requiring editorial amendment to correct typographical errors or to clarify provisions to reflect the FAA's actual intent. These revisions will facilitate implementation of the final rule.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Aircraft pilots, Airmen, Airplanes, Air transportation, Alcohol, Alcoholism, Aviation safety, Safety, and Transportation.

The FAA provides notice of the following amendments to 14 CFR part 121:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1485, and 1502 (revised, Pub. L. 102–143, October 28, 1991); 49 U.S.C. 106(g) (revised, Pub. L. 97–449, January 12, 1983).

Appendix J to Part 121—Alcohol Misuse Prevention Program

2. In section IV, subparagraphs 2(a) and 3(c) of paragraph A are revised to read as follows:

* * * * *

IV. Handling of Test Results, Record Retention, and Confidentiality

A. Retention of Records

* * * * *

2. * * *

(a) *Five years.* Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater, records related to other violations of §§ 65.46a, 121.458, or 135.253 of this chapter, documentation of refusals to take required alcohol tests, calibration documentation, employee evaluations and referrals, and copies of any annual reports submitted to the FAA under this appendix shall be maintained for a minimum of 5 years.

* * * * *

3. * * *

(c) Records related to other violations of §§ 65.46a, 121.458, or 135.253 of this chapter.

* * * * *

3. In section V, paragraph B, subparagraph 1 of paragraph C, and paragraph D are revised to read as follows:

* * * * *

V. Consequences for Employees Engaging in Alcohol-Related Conduct

* * * * *

B. Permanent Disqualification From Service

An employee who violates §§ 65.46a(c), 121.458(c), or 135.253(c) of this chapter, or who engages in alcohol use that violates another alcohol misuse provision of §§ 65.46a, 121.458, or 135.253 of this chapter and had previously engaged in alcohol use that violated the provisions of §§ 65.46a, 121.458, or 135.253 of this chapter after becoming subject to such prohibitions is permanently precluded from performing for an employer the safety-sensitive duties the employee performed before such violation.

C. * * *

1. An employer who determines that a covered employee who holds an airman medical certificate issued under part 67 of this chapter has engaged in alcohol use that violated the alcohol misuse provisions of §§ 65.46a, 121.458, or 135.253 of this chapter shall notify the Federal Air Surgeon within 2 working days.

* * * * *

D. * * *

1. Except as provided in subparagraph 2 of this paragraph D, each employer shall notify the FAA within 5 working days of any covered employee who holds a certificate issued under 14 CFR part 61, part 63, or part 65 who has refused to submit to an alcohol test required under this appendix. Notifications should be sent to: Federal Aviation Administration, Aviation Standards National Field Office, Airmen Certification Branch, AVN–460, P.O. Box 25082, Oklahoma City, OK 73125.

2. An employer is not required to notify the above office of refusals to submit to pre-employment alcohol tests or refusals to submit to return to duty tests.

* * * * *

4. In section VII, subparagraph 2(b) of paragraph A, is revised to read as follows:

* * * * *

VII. Employer's Alcohol Misuse Prevention Program

A. * * *

2. * * *

(b) No employer shall use a contractor company's employee who is not subject to the employer's AMPP unless the employer has first determined that the employee is subject to the contractor company's FAA-mandated AMPP.

* * * * *

Issued in Washington, DC, on October 17, 1994.

Michael E. Chase,

Acting Assistant Chief Counsel, Office of the Chief Counsel.

[FR Doc. 94–26066 Filed 10–20–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

Annual User Fee for Customs Broker Permit

AGENCY: Customs Service, Treasury.

ACTION: Notice of due date for broker user fee.

SUMMARY: This is to advise Customs brokers that for 1995 the annual user fee of $125 that is assessed for each permit held by an individual, partnership, association or corporate broker is due by January 3, 1995. This announcement is being published to comply with the Tax Reform Act of 1986.

DATES: Due date for fee: January 3, 1995.

FOR FURTHER INFORMATION CONTACT: Gary Rosenthal, Entry Operations Branch, (202) 927–0380.

SUPPLEMENTARY INFORMATION: Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) established that an annual user fee of $125 is to be assessed for each Customs broker permit held by an individual, partnership, association or corporation. This fee is set forth in the Customs Regulations in § 111.96 (19 CFR 111.96).

Section 111.96, Customs Regulations, provides that the fee is payable for each calendar year in each district where a broker has a permit to do business by the due date which will be published in the **Federal Register** annually.

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99–514) provides that notices of the date on which payment is due of the user fee for each broker permit shall be published by the Secretary of the Treasury in the **Federal Register** by no later than 60 days before such due date. This document notifies brokers that for 1995, the due date for payment of the user fee is January 3, 1995. It is expected that annual user fees for brokers for subsequent years will be due on or about the 3rd of January each year. This is a change from the previous date of on or about the 15th of the year.

Dated: October 18, 1994.

George J. Weise,

Commissioner of Customs.

[FR Doc. 94–26199 Filed 10–20–94; 8:45 am]

BILLING CODE 4820–02–P

Internal Revenue Service

26 CFR Part 301

[TD 8568]

RIN 1545–AN46

Property Exempt From Levy

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding property exempt from levy. These regulations reflect changes made by the Technical and Miscellaneous Revenue Act of 1988 (TAMRA) and other public laws to section 6334 concerning the determination of property exempt from levy. The regulations affect taxpayers whose wages, salary, or other income are the subject of a levy by the Internal Revenue Service.

DATES: These regulations are effective October 21, 1994.

These regulations apply to levies made on or after July 1, 1989.

FOR FURTHER INFORMATION CONTACT: Jerome D. Sekula, 202–622–3640 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations amending the Procedure and Administration Regulations (26 CFR part 301) under section 6334 of the Internal Revenue Code (Code). The regulations reflect the amendment of section 6334 by sections 1015(o) and 6236(c) of the Technical and Miscellaneous Revenue Act of 1988, Public Law. 100–647, as well as the Tax Reform Act of 1986, Public Law 99–514, the Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97–248, and the Tax Reform Act of 1976, Public Law 94–455, which had not previously been reflected in the regulations.

On May 27, 1992, a notice of proposed rulemaking relating to property exempt from levy was published in the **Federal Register** (57 FR 22189). Written comments responding to this notice were received. No public hearing was requested or held. After consideration of all the comments, the proposed regulations under section 6334 are adopted as revised by this Treasury decision.

Explanation of Revisions and Summary of Comments

One commentator suggested that the final regulations provide that *all* retirement plans be exempt from levy, not only those plans enumerated in section 6334 of the Code. This suggestion is not adopted. Congress has specifically provided that certain property is exempt from levy. In fact, section 6334(c) provides that no property is exempt from levy other than property specifically enumerated in the Code.

The proposed regulations provide that where an individual is paid or receives wages, salary, or other income on a one-time basis, the exempt amount is computed as if the taxpayer had been paid for the one-week period ending on the day of payment. One commentator raised questions concerning the application of this "one time basis" rule where an individual was paid on a recurrent, but irregular, basis. Another commentator questioned whether the proposed rule is a correct interpretation of section 6334(d)(3). This commentator argued that under section 6334(d)(3) the exemption amount should be calculated using the total time period over which the wages, salary, or other income was earned.

The proposed regulations have been revised to address the concerns of these commentators. Under the final regulations, when taxpayers are paid on a one-time basis or are paid on a recurrent, but irregular, basis which does not comport with an established calendar period regularly used by the employer or other person being levied upon, taxpayers are entitled to the exempt amount for each week to which the payment received is attributable.

One commentator raised a concern regarding levies that span more than one calendar year where the standard deduction or the amount of the personal exemption changes by operation of law (such as by indexing or otherwise). Under the proposed regulations, the exempt amount remains the same in the second year. The commentator stated that this could cause hardship for employers with automated payroll systems because those employers might have to maintain separate, manual accounts for those employees who had been levied upon in a preceding year. The commentator suggested that employers should be required to calculate and use the new exempt amount when a change in the standard deduction amount or personal exemption amount occurs by operation of law.

While the suggested change might be beneficial to some employers, the Service and Treasury are concerned that it could result in a hardship to other employers (particulary smaller employers) who would be required to reexamine the statement of each employee who files for exemption and recompute a new exempt amount each time a change in the law occurs. In order to accommodate these conflicting concerns, under the final regulations a taxpayer may submit a new verified statement to his or her employer to claim a new exempt amount based on law changes effective in the year in which the claim is filed. This permits a taxpayer to claim an additional exempt amount but avoids burdening businesses with the requirement to reexamine the statement of each employee who files for exemption and automatically recompute a new exempt amount based on law changes alone. However, employers who wish to use the new exempt amount can request that their employees submit new verified statements in order to recompute new exempt amounts based on the changes in the law.

Under the proposed regulations, when payments are made on the basis of a daily pay period, the exempt amount is calculated on the basis of 360 days. The final regulations provide that the exempt amount is calculated on the basis of 260 days, the number of work days in a year (assuming a five day work week and 52 work weeks in a year). This change increases the exempt amount available to a taxpayer who works on a daily pay-period basis. The Service and Treasury believe that this change is consistent with the requirement of section 6334(d)(3) of the Code.

Effective Date

These regulations are effective for levies made on or after July 1, 1989. However, any reasonable attempt to comply with the statutory amendments addressed by these regulations prior to February 21, 1995 will be considered as meeting the requirements of these regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking was submitted to the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these final regulations is Jerome D. Sekula, Office of the Assistant Chief Counsel (General Litigation), IRS. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6334–1 is amended as follows:

1. In paragraph (a)(2), in the first sentence, "$500" is removed and "$1,650 ($1,550 for levies issued prior to January 1, 1990)" added in its place.

2. In paragraph (a)(3), "$250" is removed and "$1,100 ($1,050 for levies issued prior to January 1, 1990)" added in its place.

3. In paragraph (a)(8), the last sentence is removed.

4. In paragraph (a)(9), "§ 301.6334–6" is removed and "§ 301.6334–4" added in its place.

5. Paragraphs (a)(10) through (a)(13), (d) and (e) are added to read as follows:

§ 301.6334–1 Property exempt from levy.

(a) * * *

(10) *Certain service-connected disability payments.* Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of title 38, United States Code (U.S.C.)) disability benefit under—

(i) Subchapters II (wartime disability compensation), III (wartime death compensation), IV (peacetime disability compensation), V (peacetime death compensation), or VI (general compensation provisions) of chapter 11 of title 38, U.S.C.; or

(ii) Chapters 13 (dependency and indemnity compensation for service commenced deaths), 21 (specially adapted housing for disabled veterans), 23 (burial benefits), 31 (vocational rehabilitation), 32 (post-Vietnam era veterans' educational assistance), 34 (veterans' educational assistance), 35 (survivors' and dependents' educational assistance), 37 (home, condominium, and mobile home loans), or 39 (automobiles and adaptive equipment for certain disabled veterans and members of the armed forces) of title 38, U.S.C.

(11) *Certain public assistance payments.* Any amount payable to an individual as a recipient of public assistance under—

(i) Title IV (relating to aid to families with dependent children) or title XVI (relating to supplemental security income for the aged, blind, and disabled) of the Social Security Act (42 U.S.C. 301 et seq.); or

(ii) State or local government public assistance or public welfare programs for which eligibility is determined by a needs or income test.

(12) *Assistance under Job Training Partnership Act.* Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et. seq.) from funds appropriated pursuant to such Act.

(13) *Principal residence exempt in absence of certain approval or jeopardy.* Except to the extent provided in section 6334(e), the principal residence (within the meaning of section 1034) of the taxpayer whose tax liability is being sought to be collected upon.

* * * * *

(d) *Levy allowed on principal residence.* The principal residence of the taxpayer is not exempt from levy if—

(1) A district director or an assistant district director personally approves, in writing, the levy on such property; or

(2) The district director determines that the collection of tax is in jeopardy.

(e) *Effective date.* These provisions are effective with respect to levies made on or after July 1, 1989. However, any reasonable attempt by a taxpayer to comply with the statutory amendments addressed by these regulations prior to February 21, 1995 will be considered as meeting the requirements of these regulations.

Par. 3. Sections 301.6334–2, 301.6334–3 and 301.6334–4 are revised to read as follows:

§ 301.6334–2 Wages, salary, and other income.

(a) *In general.* Under section 6334 (a)(9) and (d) certain amounts payable to or received by a taxpayer as wages, salary, or other income are exempt from levy. This section describes the income of a taxpayer that is eligible for the exemption from levy (paragraph (b) of this section) and how exempt amounts are to be paid to the taxpayer (paragraph (c) of this section). Section 301.6334–3 describes that sum that will be exempt from levy for each of the taxpayer's pay periods. Pay periods are described in § 301.6334–3. For the amounts exempt from levy, see § 301.6334–3.

(b) *Eligible taxpayer income.* Only wages, salary, or other income payable to the taxpayer after the levy is made on the payor may be exempt from levy under section 6334(a)(9). No amount of wages, salary, or other income that is paid to the taxpayer before levy is made on the payor will be so exempt from levy under section 6334(a)(9). The provisions of this paragraph (b) may be illustrated by the following example:

Example. Delinquent taxpayer A, an individual, is employed by the M Corporation and is paid wages on Friday of each week. Accordingly, A is paid wages on Friday, February 16, 1990. On Saturday, February 17, A deposits these wages into his personal checking account at Bank N. On Tuesday, February 20, a notice of levy is served on the M Corporation and also on Bank N. Amounts payable to A as wages on Friday, February 23, 1990, and any payday thereafter may be exempt from levy under section 6334(a)(9). No amount of wages A deposited in his account at Bank N on February 17, 1990, is exempt from levy under section 6334(a)(9).

(c) *Payment of exempt amounts to taxpayer*—(1) *From wages, salary, or income from other sources where levy on all sources not made.* In the case of a taxpayer who has more than one source of wages, salary, or other income, the district director may elect to levy on only one or more sources while leaving other sources of income free from levy. If the wages, salary, or other income that the district director leaves free from levy equal or exceed the amount to which the taxpayer is entitled as an exemption from levy under section 6334(a)(9), computed in accordance with § 301.6334–3 (and are not otherwise exempt), the district director may treat no amount of the taxpayer's wages, salary, or other income on which the district director elects to levy as exempt from levy. In such a case, the district director must notify the employer or other person upon whom the levy is served that no amount of the taxpayer's wages, salary, or other income is exempt from levy. The employer or other person upon whom the levy is served may rely on such notification in paying over amounts pursuant to the levy. In the absence of such notification from the district director, however, the employer or other person upon whom the levy is served must determine the amount exempt from levy pursuant to § 301.6334–3 as if that employer or other person upon whom the levy is served is the only source of wages, salary, or other income. Amounts not exempt from levy are to be paid to the district director in accordance with the terms of the levy. The provisions of this paragraph (c)(1) may be illustrated by the following example:

Example. Delinquent taxpayer C is an employee of O Corporation and is paid wages totalling $450 on Friday of each week. C also performs services for P Corporation and is paid a salary of $250 on Friday of each week. On Tuesday, February 20, 1990, a levy is served on O Corporation with respect to the wages payable to C. A levy is not served on P Corporation. C's filing status is single and C is entitled to 1 personal exemption. Under § 301.6334–3, C is entitled to an exemption from levy under 6334(a)(9) totalling $101.92 for each weekly pay period. However, because levy has not been made on C's salary paid by the P Corporation ($250 per week) and that salary exceeds the weekly amount ($101.92) to which C is entitled as exempt from levy, the district director may treat no amount of C's wages paid by the O Corporation as exempt from levy. If the district director requires such treatment, the district director must notify O Corporation that no amount of C's wages is exempt from levy and O Corporation may rely on such notification; in the absence of such notification O Corporation must treat $101.92 as exempt from levy.

(2) *Where sources not levied upon are less than exempt amount.* If the taxpayer's income upon which the district director does not levy is less than the amount to which the taxpayer is entitled as exempt from levy, then an additional amount, determined to be exempt from levy pursuant to § 301.6334–3, may be paid to the taxpayer from the sources of wages, salary, or other income upon which levy has been made. In such a case, the district director must designate those wages, salary, or other income from which the exempt amount is to be paid to the taxpayer, and must notify the employer or other person upon whom the levy is served of the amount of the taxpayer's wages, salary, or other income that is exempt from levy. The employer or other person may rely on such notification in paying over amounts pursuant to the levy. In the absence of such notification from the district director, the employer or other person upon whom the levy is served must determine the amount exempt from levy pursuant to § 301.6334–3 as if that employer or other person upon whom the levy is served is the only source of wages, salary, or other income. Amounts not exempt from levy are to be paid to the district director in accordance with the terms of the levy. The provisions of this paragraph (c)(2) may be illustrated by the following example:

Example. Delinquent taxpayer C is an employee of O Corporation and is paid wages totalling $50 on Friday of each week. C also performs services for P Corporation and is paid a salary of $75 on Friday of each week. On Tuesday, February 20, 1990, a levy is served on P Corporation with respect to the wages and salary of C. C's filing status is single and C is entitled to 1 personal exemption. Under § 301.6334–3, C is entitled to an exemption from levy under section 6334(a)(9) totalling $101.92 for each weekly pay period. The district director may notify P Corporation that only $51.92 of C's wages is exempt from levy and P Corporation may rely on such notification; in the absence of such notification, P Corporation must treat the entire $75 salary as exempt from levy.

(d) *Effective date.* These provisions are effective with respect to levies made on or after July 1, 1989. However, any reasonable attempt by a taxpayer to comply with the statutory amendments addressed by these regulations prior to February 21, 1995 will be considered as meeting the requirements of these regulations.

§ 301.6334–3 Determination of exempt amount.

(a) *Individuals paid on weekly basis.* In the case of any individual who is paid or receives all of his or her wages, salary, and other income on a weekly basis, the amount of wages, salary, and other income payable to or received by him or her during any week that is exempt from levy under section 6334(a)(9) is the exempt amount.

(b) *Term defined.* The term *exempt amount* means an amount equal to—

(1) The sum of—

(i) The standard deduction (including additional standard deductions on account of age or blindness); and

(ii) The aggregate amount of the deductions for personal exemptions allowed the taxpayer under section 151 in the taxable year in which such levy occurs;

(2) Divided by 52.

(c) *Written and properly verified statement.* Unless the taxpayer submits to the employer for forwarding to the district director a written and properly verified statement (as described in § 301.6334–4) specifying the facts necessary to determine the proper amount under paragraphs (b)(1) (i) and (ii) of this section, paragraphs (b)(1) (i) and (ii) of this section must be applied as if the taxpayer were a married individual filing a separate return with only 1 personal exemption.

(d) *Individuals paid on basis other than weekly*—(1) *In general.* In the case of an individual who is paid or receives wages, salary, and other income other than on a weekly basis, the amount payable to that individual during any applicable pay period that is exempt from levy under section 6334(a)(9) is the amount that as nearly as possible will result in the same total exemption from levy for such individual over that period of time other than weekly as that to which the individual would have been entitled under paragraph (b) of this section if, during such period of time, the individual were paid or received such wages, salary, and other income on a regular weekly basis.

(2) *Specific pay periods other than weekly.* In the case of wages, salary, or other income paid to an individual on the basis of an established calendar period regularly used by the employer or other person levied upon for payroll or payment purposes, the exempt amount of wages, salary, and other income payable to or received by an individual during an applicable pay period other than weekly equals—

(i) The sum of—

(A) The standard deduction (including additional standard deductions on account of age or blindness); and

(B) The aggregate amount of the deductions for personal exemptions allowed the taxpayer under section 151 in the taxable year in which such levy occurs;

(ii) Divided by—

(A) 260 in the case of a daily pay period;

(B) 26 in the case of a bi-weekly pay period;

(C) 24 in the case of a semi-monthly pay period; and

(D) 12 in the case of a monthly pay period.

(3) *Nonspecific pay periods.* In the case of wages, salary, or other income paid to an individual on a one-time or a recurrent but irregular basis and which is not paid on the basis of an established calendar period regularly used by the employer or other person levied upon for payroll or payment purposes, the exempt amount of wages, salary, and other income payable to or received by an individual equals the exempt amount defined in paragraph (b) of this section multiplied by the number (but not more than 52) of full weeks (consisting of seven calendar days) to which such payment is attributable. The provisions of this paragraph (d)(3) may be illustrated by the following example:

Example. Taxpayer A's exempt amount per week (as determined under paragraph (b) of this section) is $100. Taxpayer A is hired by Corporation X to perform a specific task for Corporation X at a flat fee of $1,500 which is to be paid at the completion of the task. Taxpayer A completes the task in 10 weeks. The total exempt amount is $1,000 and $500 is subject to levy.

(e) *Levies continuing into following years.* The exempt amount is computed on the basis of the standard deduction (including additional standard deductions on account of age or blindness) for the taxpayer's filing status and the amount of the deduction for a personal exemption in effect in the taxable year in which the original notice of levy is served. Unless the taxpayer submits a new verified statement in accordance with § 301.6334–4, the exempt amount remains the same for pay periods following the pay period in which the notice of levy is served even if there is a change in the taxpayer's factual situation or a change by operation of law (such as by indexing or otherwise) to the standard deduction or personal exemption amounts.

(f) *Effective date.* These provisions are effective with respect to levies made on or after July 1, 1989. However, any reasonable attempt by a taxpayer to comply with the statutory amendments addressed by these regulations prior to February 21, 1995 will be considered as meeting the requirements of these regulations.

§ 301.6334–4 Verified statements.

(a) *In general.* For purposes of §§ 301.6334–2 and 301.6334–3, the amount of wages, salary, or other income that is exempt from levy must be determined on the basis of a written and properly verified statement submitted by the taxpayer to his or her employer for submission to the district director specifying the facts necessary to determine the standard deduction and the aggregate amount of the deductions for personal exemptions allowed the taxpayer under section 151 in the taxable year in which the levy is served. In the absence of submission of such statement, the amount that is exempt from levy must be determined as if the taxpayer were a married individual filing a separate return with only 1 personal exemption.

(b) *Content of statement.* The statement in paragraph (a) of this section must be a written statement signed under penalty of perjury, and dated, containing the following information—

(1) The filing status of the taxpayer as either:

(i) Single;

(ii) Married filing a joint return;

(iii) Married filing a separate return;

(iv) Head of household; or

(v) Qualifying widow or widower with dependent child;

(2) The name, relationship, and Social Security Number of each individual whom the taxpayer can claim as a personal exemption on the taxpayer's income tax return; and

(3) Any additional standard deductions that the taxpayer can claim on account of age (65 or older) or blindness on the taxpayer's income tax return.

(c) *Submission of verified statement*—(1) *Obligation of employer.* An employer upon whom a notice of levy for wages, salary, or other income of a taxpayer is served must promptly notify the taxpayer of the fact that a notice of levy has been served. Unless otherwise indicated on the face of the notice of levy, the employer must request the taxpayer to provide the employer with a written statement signed under penalty of perjury, and dated, containing the information set forth in paragraph (b) of this section, and this statement must be submitted by the employer to the district director. The employer must submit this statement to the district director at the time the employer first responds to the notice of levy.

(2) *Submission by taxpayer.* The taxpayer must provide the employer upon whom the notice of levy has been served with a verified statement complying with paragraph (b) of this section. Unless the taxpayer provides a verified statement, the amount that is exempt from levy must be determined as if the taxpayer were a married individual filing a separate return with only 1 personal exemption.

(3) *Additional statements.* A taxpayer may submit a verified statement to his or her employer at any time. Except as otherwise provided in paragraph (d) of this section, such verified statement will be effective for any payment of wages, salary, or other income made after the date of submission and will replace any previously submitted verified statement. The employer must provide the district director with the statement on the next occasion on which the employer responds to the notice of levy.

(d) *Effect of verified statement*—(1) A verified statement submitted by an employee is effective upon receipt by the employer, and the employer is required to compute the exempt amount on the basis of the information contained in the verified statement unless notified to the contrary by the Internal Revenue Service.

(2) The Internal Revenue Service may find that a verified statement submitted by an employee contains a materially incorrect statement, or it may determine, after written request to the employee for verification of information contained in the verified statement, that it lacks sufficient information to determine whether the verified statement is correct. If the Internal Revenue Service so finds or determines, and notifies the employer in writing that the verified statement is defective, upon receipt of such notice the employer shall consider the verified statement to be defective for purposes of computing the exempt amount.

(3) If the Internal Revenue Service notifies the employer that the verified statement is defective, the Internal Revenue Service will, based upon its finding, advise the employer that the employer is to compute the exempt amount as if no verified statement had been submitted by the employee or will describe upon what basis the exempt amount is to be computed. The Internal Revenue Service will also specify which Internal Revenue Service office to contact for further information.

(4) In addition to any notice furnished to the employer for the employer's use, the Internal Revenue Service will provide the employer with a copy for the employee of each notice it furnishes the employer.

(5) The employer must promptly furnish the employee with a copy of any Internal Revenue Service notice with respect to a verified statement submitted by the employee.

(6) Once paragraph (d)(3) of this section applies, the employer must continue to compute the exempt amount on the basis of the written notice from the Internal Revenue Service until the Internal Revenue Service by written notice advises the employer to compute the exempt amount on the basis of a new verified statement (as described in paragraph (d)(7) of this section) and revokes its earlier written notice.

(7) Once paragraph (d)(3) of this section applies, the employee may submit a new verified statement together with a written explanation of any circumstances of the employee which have changed since the Internal Revenue Service's earlier written notice, or any other circumstances or reasons as justification or support for the claims made by the employee on the new verified statement. The employee may submit the new verified statement and written explanation either—

(i) To the Internal Revenue Service office specified in the notice furnished to the employer under paragraph (d)(3) of this section; or

(ii) To the employer, who must forward the new verified statement and written explanation to the Internal Revenue Service office specified in the notice earlier furnished to the employer on the next occasion on which the employer responds to the notice of levy.

(e) *Effective date.* These provisions are effective with respect to levies made on or after July 1, 1989. However, any reasonable attempt by a taxpayer to comply with the statutory amendments addressed by these regulations prior to February 21, 1995 will be considered as meeting the requirements of these regulations.

§§ 301.6334-5, 301.6334-6 and 301.6334-7 [Removed]

Par. 4. Sections 301.6334-5 through 301.6334-7 are removed.

Approved: October 4, 1994.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 94-26073 Filed 10-20-94; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 250, 256, 280, and 281

RIN 1010-AB63

Archaeological Resource Surveys and Reports on Outer Continental Shelf Lease Tracts

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the regulatory program of the Minerals Management Service (MMS) to state specifically the authority of MMS to require lessees or operators to conduct archaeological resource surveys and submit reports prior to exploration, development and production, or installation of lease term or right-of-way pipelines. This rule also standardizes the definition and use of the term "archaeological resources" within MMS's regulatory program.

EFFECTIVE DATE: November 21, 1994.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Standards Branch, telephone (703) 787-1600.

SUPPLEMENTARY INFORMATION: Since 1973, the Department of the Interior (DOI) has included a stipulation on the Outer Continental Shelf (OCS) mineral lease tracts to notify potential lessees that, where applicable, archaeological resource surveys and reports will be required. Lessees and operators have, since that time, submitted this information when the stipulation was invoked by MMS.

The authority to require this information was identified, in a general fashion, in a final rule published by MMS in the Federal Register on April 1, 1988 (53 FR 10596). That rule granted authority to MMS Regions to ensure safety and environmental protection by requiring OCS lessees and operators to conduct needed surveys and submit reports when seeking approval of their plans to explore or develop and produce hydrocarbons or to install lease term or right-of-way pipelines.

The MMS Regions issue further guidance in the form of Notices to Lessees and Operators (NTL's). These NTL's provide detailed information on archaeological resource requirements.

In order to convert the requirements contained in the archaeological lease stipulation into regulations, a proposed rule was published by MMS on October 12, 1993 (58 FR 52731). The proposed rule sought to grant specific authority to each MMS Regional Director to require archaeological resource surveys and reports. The proposed rule also made minor modifications in 30 CFR parts 256 and 280 to standardize the use of the term "archaeological resource," eliminate use of other terms such as "cultural resources," and provide uniform definitions. The routine requirements for surveys and reports that were proposed in 30 CFR 250.26 are not located in §§ 250.33 and 250.34. These surveys and reports, when required, will normally be included in the exploration report or the development and production report. Since §§ 250.33 and 250.34 pertain to Exploration Plan and Development and Production Plan respectively, the change will help to clarify the requirements.

The comments received during the public comment period were reviewed, and an analysis was conducted within MMS. The following is a discussion of the responses to comments received and any resultant text changes.

Narrative Response to Comments

Authority Citation

Comment: One commenter suggested that we expand the authority section to include other applicable archaeological resource legislation.

Response: The MMS has used the requirements of the National Historic Preservation Act of 1966 (NHPA) 16 U.S.C. 470 et seq., the Archaeological and Historic Preservation Act 16 U.S.C. 469-469c, and the Archaeological Resources Protection Act of 1979 (ARPA) 16 U.S.C. 470aa-mm in developing the requirements in the regulations. However, MMS believes that the Outer Continental Shelf Lands Act provides sufficient authority for all requirements in the regulation.

Changes in Definitions

Comment: Two commenters suggested that we define the term "archaeological resource" to be consistent with the definition provided in implementing regulations for the ARPA, 16 U.S.C. 470aa-mm, 43 CFR 7.3.

Response: We have changed the definition of "archaeological resource" to the wording recommended by the commenters with one exception (with regard to the age criterion), to correspond to the definition provided in 43 CFR 7.3(a) (1) and (2). The exception was to change the 100-year-old criterion for the age of an archaeological resource to a 50-year-old criterion so that the MMS regulation is consistent with the NHPA criteria for eligibility to the National Register of Historic Places. To improve the clarity of the rule, MMS added a definition of significant archaeological resource.

Archaeological Report Standards

Comment: One commenter suggested that we include documentation (report) standards in the archaeology rule. Another commenter suggested that the reports submitted conform to the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation."

Response: The MMS has developed detailed survey and report standards for OCS archaeological surveys based on more than 20 years experience. These standards are contained in Region-specific NTL's. The MMS has chosen not to include the survey and report standards in the rule. These standards are very detailed and vary from region to region due to differences in regional geology and environmental conditions.

Basis for Requiring Archaeological Report

Comment: One commenter was concerned that in the proposed rule, the Regional Director would be permitted to make the determination of whether an archaeological survey/report would be required. Another commenter suggested that we provide improved guidance about the basis upon which a Regional Director would make the regulatory determination that an archaeological resource exists in the proposed lease area.

Response: This decision as to whether or not a report is required is not made arbitrarily by the Regional Director. The MMS conducts regional archaeological baseline studies to compile information on the locations of historic shipwrecks and coastal prehistoric archaeological sites. These data are also used to construct predictive criteria for the occurrence of unknown sites on the continental shelf.

Using these predictive criteria, MMS can identify portions of the continental shelf having potential for archaeological resources. These "archaeologically sensitive" areas are used as the basis for requiring marine remote sensing surveys to evaluate the archaeological site potential of individual lease tracts before permitting lease activities.

Information Submitted With the Archaeological Report

Comment: One commenter suggested that a new § 250.26(c) be added to require that the reports submitted to the Regional Director include all the data, artifacts, records, and remains obtained during the investigations conducted pursuant to 256.26 (a) and (b), pertaining to reporting requirements for the protection of possible or discovered archaeological resources.

Response: The marine remote sensing survey data collected to evaluate archaeological resources is maintained by the lessee or right-of-way holder; however, the data must be made available to MMS upon request. The MMS maintains copies of the archaeological reports prepared from the remote sensing survey data. Because the archaeological surveys conducted prior to OCS activities are reconnaissance surveys, evidence of potential resources is used to avoid lessee activity that could harm or disturb artifacts or remains. Thus, artifacts or remains are rarely recovered or disturbed.

Archaeological Surveys and Grandfathered Leases

Comment: One commenter suggested that MMS should continue its practice of requiring no archaeological surveys for grandfathered leases. (The commenter's view is that a grandfathered lease is any lease issued by MMS prior to December 1973, the date the first lease with an archaeological resource stipulation was issued). The commenter also indicated that existing survey data on older leases should continue to be acceptable to MMS for exploration and most development activities for as long as the lease remains in force. The commenter believes that although the aforementioned practices are not specifically addressed or confirmed in the proposed regulations, it is implicit in the provisions thereof that MMS does not intend for the proposed changes to the regulations to change these existing procedures. It is the commenter's position that to do otherwise would directly impair existing lease contract rights.

Response: The MMS does not agree that any lease issued prior to the inclusion of an archaeological resource lease stipulation in December 1973 is grandfathered and exempt from the requirement to protect and preserve resources under either the existing or proposed regulations. The archaeological stipulations included in OCS leases in December 1973 were designed to ensure that lessees and other interested parties were aware of the need to protect and preserve archaeological resources. The absence of an archaeological stipulation in an OCS lease issued prior to December 1973 does not free the lessee of its obligation to protect and preserve resources. In accordance to § 250.33(b)(15) or § 250.34(b)(8)(v)(A), if the Regional Director notifies the lessee that an archaeological resource may exist in the lease area, prior to commencing any operations, the lessee is required to prepare a report as specified by the Regional Director to determine the potential existence of any archaeological resource that may be affected by operations. Thus, the regulations are applicable to any new exploration or development operations except preliminary activities (250.31). If there are no new activities, production operations will continue with no changes in the status quo.

Chance Find Clause

Comment: One commenter recommended that treatment of unanticipated discoveries of archaeological resources during operations be made consistent with DOI procedures by requiring a halt to operations until the Regional Director has told the lessee how to protect the resource. Other commenters suggested that this clause, commonly called the "chance finds clause," be changed to reflect the fact that not all discoveries made during operations will require protection.

Response: In response to these comments, wording changes were made to clarify that not all discoveries made during operations, including operations conducted within a right-of-way, would require protection. To provide consistency between sections, the wording of §§ 250.26(b) and 250.159(c)(4) has been changed.

Author

This document was prepared by Kumkum Ray, Engineering and Technology Division, MMS and Melanie Stright, Environmental Policy and Programs Division, MMS.

Executive Order (E.O.) 12866

This final rule was reviewed under E.O. 12866. The final rule was determined to not be a significant rule under the criteria of E.O. 12866.

Regulatory Flexibility Act

The DOI has determined that this rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to safely conduct such activities.

Paperwork Reduction Act

The collections of information contained in §§ 250.26, 250.33 and 250.34 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 et seq., and assigned clearance number 1010–0049. The information will be used to protect archaeological resources. Response is mandatory in accordance with Sec. 204, Public Law 95–372, 92 Stat. 629 (43 U.S.C. 1334).

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer; Minerals Management Service; Mail Stop 2053, 381 Elden Street; Herndon, Virginia 22070–4817, and the Office of Management and Budget; Paperwork Reduction Project (1010–0049); Washington, DC 20503, telephone (202) 395–7340.

Takings Implication Assessment

The DOI has determined that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment has not been prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

E.O. 12778

The DOI has certified to OMB that this final rule meets the applicable civil justice reform standards provided in sections 2(a) and 2(b)(2) of E.O. 12778.

National Environmental Policy Act

The DOI has determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

List of Subjects

30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

30 CFR Part 256

Administrative practice and procedure, Continental shelf, Government contracts, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

30 CFR Part 280

Administrative practice and procedure, Bonds, Continental shelf, Environmental protection, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 281

Administrative practice and procedure, Bonds, Continental shelf, Mineral royalties, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: September 9, 1994.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR parts 250, 256, 280, and 281 are amended as follows:

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

1. The authority citation for part 250 is revised to read as follows:

Authority: 43 U.S.C. 1334.

2. Section 250.2 is amended by adding the following definitions, in alphabetical order, to read as follows:

§ 250.2 Definitions.

* * * * *

Archaeological resource means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest.

* * * * *

Material remains means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

* * * * *

Of archaeological interest means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

* * * * *

Significant archaeological resource means those archaeological resources that meet the criteria of significance for eligibility to the National Register of Historic Places as defined in 36 CFR 60.4.

* * * * *

3. A new § 250.26 is added to subpart A to read as follows:

§ 250.26 Archaeological reports and surveys.

(a) If the Regional Director believes that an archaeological resource may exist in the lease area, the Regional Director will notify the lessee in writing. The lessee shall include an archaeological report in the Exploration Plan or Development and Production Plan and shall comply with the following:

(1) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to affect adversely the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the Regional Director. A report on the investigation shall be submitted to the Regional Director for review.

(2) If the Regional Director determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the Regional Director will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the Regional Director has told the lessee how to protect it.

(b) If the lessee discovers any archaeological resource while conducting operations in the lease area, the lessee shall immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will inform the lessee how to protect it.

4. Section 250.33 is amended by revising paragraphs (b)(15) and (o) to read as follows:

§ 250.33 Exploration Plan.

* * * * *

(b) * * *

(15) If the Regional Director believes that an archaeological resource may exist in the lease area, the Regional Director will notify the lessee in writing. Prior to commencing any operations, the lessee shall prepare a report, as specified by the Regional Director, to determine the potential existence of any archaeological resource that may be affected by operations. The report shall be prepared by an archaeologist and geophysicist and shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information.

* * * * *

(o) To ensure safety and protection of the environment and archaeological resources, the Regional Director may authorize or direct the lessee to conduct geological, geophysical, biological, archaeological, or other surveys or monitoring programs. The lessee shall provide the Regional Director, upon request, with copies of any data obtained as a result of those surveys and monitoring programs.

* * * * *

5. Section 250.34 is amended by revising paragraphs (b)(8)(v)(A) and (s) to read as follows:

§ 250.34 Development and Production Plan.

* * * * *

(b) * * *

(8) * * *

(v) * * *

(A) If the Regional Director believes that an archaeological resource may exist in the lease area, the Regional Director will notify the lessee in writing. Prior to commencing any operations, the lessee shall prepare a report, as specified by the Regional Director, to determine the potential existence of any archaeological resource that may be affected by operations. The report shall be prepared by an archaeologist and geophysicist and shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information.

* * * * *

(s) To ensure safety and protection of the environment and archaeological resources, the Regional Director may authorize or direct the lessee to conduct geological, geophysical, biological, archaeological, or other surveys or monitoring programs. The lessee shall provide the Regional Director, upon request, copies of any data obtained as a result of those surveys and monitoring programs.

* * * * *

6. Section 250.157 is amended by revising paragraph (a)(5) to read as follows:

§ 250.157 Applications.

(a) * * *

(5) The application shall include a shallow hazards survey report and, if required by the Regional Director, an archaeological resource report that covers the entire length of the pipeline. A shallow hazards analysis may be included in a lease term pipeline application in lieu of the shallow hazards survey report with the approval of the Regional Director. The Regional Director may require the submission of the data upon which the report or analysis is based.

* * * * *

7. Section 250.159 is amended by revising paragraph (c)(4) to read as follows:

§ 250.159 General requirements for a pipeline right-of-way grant.

* * * * *

(c) * * *

(4) If the right-of-way holder discovers any archaeological resource while conducting operations within the right-of-way, the right-of-way holder shall immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will inform the lessee how to protect it.

* * * * *

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

9. The authority citation for part 256 is revised to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

9. Section 256.23 is amended by revising the last sentence in paragraph (b) to read as follows:

§ 256.23 Information on areas.

* * * * *

(b) * * * For an oil and gas lease sale Call Area, the Director may request comments concerning geological conditions, including bottom hazards; archaeological sites on the seabed or nearshore; multiple uses of the proposed leasing area, including navigation, recreation, and fisheries; and other socioeconomic, biological, and environmental information.

PART 280—PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

10. The authority citation for part 280 is revised to read as follows:

Authority: 43 U.S.C. 1331 et seq., 42 U.S.C. 4332 *et seq.*

11. Section 280.2 is amended by revising the definition of "archaeological resource" and adding the following definitions in alphabetical order, to read as follows:

§ 280.2 Definitions.

* * * * *

Archaeological resource means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest.

* * * * *

Material remains means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

* * * * *

Of archaeological interest means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurements, controlled collection, analysis, interpretation, and explanation.

* * * * *

Significant archaeological resource means those archaeological resources that meet the criteria of significance for eligibility to the National Register of Historic Places as defined in 36 CFR 60.4.

* * * * *

PART 281—LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

12. The authority citation for part 281 is revised to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

§ 281.12 [Amended]

13. In § 281.12, paragraph (c) is amended by removing the word "archeological" and adding in its place the word "archaeological".

[FR Doc. 94–26002 Filed 10–20–94; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Wyoming Permanent Regulatory Program

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

ACTION: Final rule; approval of amendments and removal of condition of program approval.

SUMMARY: The Secretary of the Interior is announcing the approval of a proposed amendment to the Wyoming permanent regulatory program (hereinafter, the "Wyoming program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), and the removal of the remaining condition of program approval. The amendment addresses the recovery of costs and expenses, including attorney's fees, incurred in connection with administrative and judicial review proceedings under the Wyoming program. The amendment is intended to revise the Wyoming program to be consistent with the corresponding Federal standards and to clarify State operating procedures.

EFFECTIVE DATE: October 21, 1994.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Wyoming program can be found in the November 26, 1980, Federal Register (45 FR 78637). Subsequent actions concerning Wyoming's program and program amendments can be found at 30 CFR 950.11, 950.12, 950.15, and 950.16.

On January 24, 1994, the Secretary of the Interior approved, with certain exceptions, amendments to the Wyoming program provisions regarding