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Thursday  
March 31, 1983

# Selected Subjects

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## Selected Subjects

### **Administrative Practice and Procedure**

Forest Service

### **Air Carriers**

Federal Aviation Administration

### **Air Pollution Control**

Environmental Protection Agency

### **Air Traffic Control**

Federal Aviation Administration

### **Anchorage Grounds**

Coast Guard

### **Aviation Safety**

Federal Aviation Administration

### **Bridges**

Coast Guard

### **Coal Mining**

Surface Mining Reclamation and Enforcement Office

### **Continental Shelf**

Minerals Management Service

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**SUMMARY:** This document corrects a final rule published on August 3, 1982, which adopted as final, interim rules related to maximum mortgage limits for single family dwellings.

**EFFECTIVE DATE:** September 22, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. John J. Coonts, Director, Single Family Development Division, Room 9270, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; telephone (202) 755-6720 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** HUD published a final rule on August 3, 1982 (47 FR 33494), which adopted as final an interim rule published on July 10, 1980 (45 FR 46377). This July 10 interim rule made changes to several CFR Parts dealing with maximum mortgage amounts for single family dwellings. The applicable Part for this correction document is Part 235.

Part 235, as issued as an interim rule on July 10, 1980, was amended on September 22, 1980 (45 FR 62795). It is this September 22, 1980, revision of § 235.15 the Department intended to adopt as final on August 3, 1982.

Therefore, the Department is issuing this correction to its August 3, 1982, document to make it clear that it intended to adopt as final § 235.15 as published on September 22, 1980.

For the benefit of the reader, we are setting out the text of § 235.15 as it will appear in the CFR. This text varies slightly from the text in the September 22, document, because it corrects an inadvertent editorial error appearing in the text.

#### **PART 235—[AMENDED]**

Therefore, for the reasons cited above, the final rule published on August 3, 1982, is corrected to adopt as final 24 CFR 235.15, as published on September 22, 1980, 45 FR 62695, page 62796, columns 2 and 3. This correct text appears below:

##### **§ 235.15 Eligible types of dwellings.**

(a) The mortgage shall involve one of the following types of dwellings:

- (1) A single family dwelling concerning which the application for insurance is approved by the Secretary prior to the beginning of construction or prior to the beginning of rehabilitation.
- (2) A single family dwelling which has never been previously occupied and is covered by a consumer protection or warranty plan acceptable to the Secretary and satisfies all requirements which would have been applicable if such dwelling had been approved for mortgage insurance prior to the beginning of construction.

(3) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than two years prior to the filing of the application for assistance payments under Subpart C of this part. The family unit shall have had no previous occupant other than the mortgagor.

(4) A single family dwelling or a one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project), the construction of which shall have been completed at least one year prior to the filing of the application for assistance payments under Subpart C of this part and which meets such standards as the Secretary may prescribe, provided that the property is to be occupied by a mortgagor who, without such assistance, would be likely to be involuntarily displaced from the dwelling or, in the case of a condominium, from a unit in the project. Provided, That any family (i) which, by virtue of threatened displacement from a unit in a project, would be eligible for assistance under this provision for a one-family unit in the resulting condominium project, and (ii) which is precluded from the purchase of such condominium unit because of a rule of the condominium association, may be entitled to assistance under this section in connection with a single family dwelling or a one-family unit in another condominium (together with an undivided interest in the common areas and facilities serving the project), which otherwise meets the standards of this section and which is located in the same market area as the converted project.

(5) A substantially rehabilitated single family dwelling that is security for a mortgage which was endorsed for mortgage insurance under § 203.50 not more than twelve months prior to the application for a firm commitment.

(b) The marketability of all lots or units to be developed or rehabilitated must be established.

(Sec. 211, National Housing Act (12 U.S.C. 1715b); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 22, 1983.

**Grady J. Norris,**  
*Assistant General Counsel for Regulations.*

[FR Doc. 83-8125 Filed 3-30-83; 8:45 am]

**BILLING CODE 4210-27-M**

#### **DEPARTMENT OF THE INTERIOR**

##### **Bureau of Indian Affairs**

**25 CFR Parts 1, 2, 39, 41, 112, 138, 151, 215, 249 and 286**

##### **Corrections to Various Parts**

March 17, 1983.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs is publishing a final rule that removes incorrect references and adds correct references to various Parts of 25 CFR Chapter I.

**EFFECTIVE DATE:** March 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ronal D. Eden, Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number: (202) 343-7684.

**SUPPLEMENTARY INFORMATION:** The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Bureau of Indian Affairs is publishing a final rule document that corrects references in various parts of 25 CFR Chapter I. The corrections became necessary because of previous rescissions of rules, incorrect references being cited in documents, and an Agency name change.

The primary author of this document is Michael G. Abretski, Bureau of Indian Affairs, Washington, D.C., telephone number: (202) 343-3574.

Since this document contains only administrative changes, advance notice and public comment would have no impact on the nature of the rule and they are hereby dispensed with in accordance with section (b)(B) of 5 U.S.C. 553 (1970). For the same reason, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these amendments will become effective upon the date of publication of this document in the **Federal Register**.

This document does not impact upon any of the requirements of Executive Order 12291 and the Regulatory Flexibility Act since it is only administrative in content.

The List of Subjects normally required in rulemaking documents is not included in this document since the amendments contained herein are only administrative.

References in various Parts of Chapter I of 25 CFR are hereby amended as follows:

**§ 1.3 [Amended]**

1. Section 1.3, Scope, of Part 1 is amended by changing the reference in the substance from 42 CFR Part 43 to 42 CFR Part 36.

**§ 2.3 [Amended]**

2. Paragraph (c) of 25 CFR 2.3, Appeals, is amended by removing the following numbers: §§ 4.350-4.369 and adding a period after Subpart D.

**§ 41.6 [Amended]**

3. Section 41.6, HEW participation, of Part 41 is amended by removing the references to HEW in the heading and Health, Education and Welfare in the substance and adding references to HHS in the heading and Health and Human Services in the substance.

**§ 112.3 [Amended]**

4. The words and reference to Part 105 under the substance of 25 CFR 112.3 are hereby removed. The reference to Part 105 at the bottom of page 280 of 25 CFR dated April 1, 1982 is hereby removed.

**PART 151—[AMENDED]**

5. Under the Cross-Reference Section of Part 151, Land Acquisition, on page 351 of Title 25 CFR dated April 1, 1982 the following reference, See 7 CFR 1821.401, et seq., and 1890 f, is hereby removed and the reference, See 7 CFR 1823 Subpart N, is added.

**§ 249.15 [Amended]**

6. Under 25 CFR 249.15, Fishing assistance, the paragraph appearing in the April 1, 1982, edition of Title 25 should be numbered (a) and the reference to paragraph (b) appearing in the document published July 15, 1982 is hereby verified correct and remains as paragraph (b).

**§ 215.9 [Amended]**

7. In the substance portion of § 215.9, Execution of leases, the reference to § 76.0(c) is removed and the reference § 215.0(c) is added.

**§ 286.18 [Amended]**

8. In the substance portion of § 286.18, Written notice, the reference to 25 CFR 2.21 is hereby amended to read as 25 CFR Part 2.

**§ 138.2 [Amended]**

9. In the substance portion of § 138.2, Repayment of construction costs, the reference to § 150.1 is removed and the reference § 138.1 is hereby added.

**§ 249.1 [Amended]**

10. In paragraph (b) of § 249.1, Purpose, the reference to Part 246 is hereby removed and the language is amended to read " \* \* \* with this part and any applicable area regulations issued hereunder."

**§ 39.32 [Amended]**

11. In paragraph (a) of § 39.32, Annual computation of average daily membership, the references to § 39.1(f) are removed and the references § 39.2(f) are added.

**Kenneth Smith,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 83-8249 Filed 3-30-83; 8:45 am]

**BILLING CODE 4310-02-M**

**25 CFR Parts 12, 70, 73, 84, 85, 86 and 119**

**Rescission of Various Parts**

March 17, 1983.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs is publishing a final rule that rescinds various parts of 25 CFR Chapter 1. The rules being rescinded are: Part 12, Code of offenses for Navajo-Hopi Settlement Act Secretarial responsibilities; Part 70, Revision of the final roll of the Menominee Tribe of Wisconsin; Part 73, Revision of final roll of the Confederated Tribes of Siletz Indians of Oregon; Part 84, Organization of the Yurok Tribe; Part 85, Election of the Interim Yurok governing committee; Part 86, Referendum election to determine whether the Yurok Tribe of the Hoopa Valley Reservation desires to establish a representative interim Yurok governing committee; and Part 119, Distribution of judgment awarded the Cherokee Nation or Tribe of Indians.

In each case, the rules were fulfilled or the rules were determined no longer necessary as discussed in the Supplementary Information portion of this document.

**EFFECTIVE DATE:** March 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Patrick A. Hayes, Division of Tribal Government Services, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20245, telephone number: (202) 343-6858.

**SUPPLEMENTARY INFORMATION:** The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

25 CFR Part 12, Code of offenses for Navajo-Hopi Settlement Act Secretarial responsibilities, is rescinded under authority of *Hopi Tribe V. Watt*, 530 F. Supp. 1217, D. Ariz., memorandum and order, January 1982. The court was of the opinion that these rules were of no force and effect in regulating conduct within the former Joint Use Area.

25 CFR Part 70, Revision of the final roll of the Menominee Tribe of Wisconsin, and 25 CFR Part 73, Revision of a final roll of the Confederated Tribes of Siletz Indians of Oregon, are rescinded because the revised rolls were completed, approved, and have served the purpose for which they were prepared. Membership in both groups is now governed by tribal constitutions adopted subsequent to the restoration of the Federal relationship of these tribes.

25 CFR Part 84, Organization of the Yurok Tribe; 25 CFR Part 85, Election of interim Yurok governing committee; and 25 CFR Part 86, Referendum election to determine whether the Yurok Tribe of the Hoopa Valley Reservation desires to establish a representative interim Yurok governing committee are no longer necessary.

These rules were published for the purpose of achieving formal organization of the Yurok Tribe. Because of further litigation another election was held to permit voters of the tribe an opportunity to determine whether they desired to pursue formal organization. As a result of that election, the voters decided not to adopt a constitution at this time thereby removing the need for these regulations.

25 CFR Part 119, Distribution of judgment awarded the Cherokee Nation or Tribe of Indians is rescinded because all claims filed by living final enrollees or by the heirs or legatees of deceased final enrollees must have been filed by October 9, 1965, and, therefore, no further claims for shares will be accepted. Any funds that remained unclaimed reverted to the tribe pursuant to the Act of October 9, 1962 (76 Stat. 776).

The primary author of this document is Michael G. Abretski, Bureau of Indian Affairs, Washington, D.C., telephone number: (202) 343-3574.

It has been determined that this document is not a major rule as that