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Highlights

47720 **Surface Coal Mining** Interior/SMREO revises prime farmland grandfather rules. (Part II of this issue)

47536 **Indians—Lands** Interior/BIA revises regulations on land records and title documents.

47724 **Aged** EEOC issues final interpretations of the Age Discrimination in Employment Act. (Part III of this issue)

47744 **Handicapped** ATBCB extends comment period on proposed rescission of minimum guidelines and requirements for Federal and federally-funded buildings. (Part V of this issue)

47539 **Veterans** VA amends disability compensation and survivors' benefits regulations.

47539 **Health Insurance** DOD amends wig/hairpiece regulations under the Civilian Health and Medical Program of the Uniformed Services.

47730, 47740 **Over-the-Counter Drugs** HHS/FDA revises review and classification procedures for Category III products and issues drug review policy statement. (Part IV of this issue) (2 documents)

47623 **Blood** HHS/FDA clarifies proposed labeling requirements for blood and blood components.

CONTINUED INSIDE

HeinOnline -- 46 Fed. Reg. I 1981

hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: September 29, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348a(c)(1)).

Dated: September 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by adding a new § 561.255 to read as follows:

§ 561.255 Ethephon.

A regulation is established permitting residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in raisin waste at 65.0 parts per million when it is present as a result of application of the plant growth regulator to the growing agricultural commodity grapes.

[FR Doc. 81-28203 Filed 9-28-81; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 120

Land Records and Title Documents

September 10, 1981.

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: These are new rules revising and replacing regulations relating to land records and title documents affecting Indian lands. They cite the statutory authorities and define the role of the Land Titles and Records Offices (formerly called title plants) in the Bureau of Indian Affairs as the offices of record for all title documents to Indian lands. The regulations set forth the policies and procedures to be followed by owners and administrators of Indian lands, employees of the Bureau of Indian Affairs, and other persons authorized by law or regulation to have access to information about the current status and ownership of Indian lands.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, New Mexico 87103. Telephone numbers: (503-766-2800) (FTS 8-474-2800).

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the Federal Register, Volume 45, No. 207 at 70284 on October 23, 1980. Several written comments were received during the 30-day comment period. The general areas of comment, some of the major suggestions, and the changes which have been made are discussed below. Several minor editorial changes are not mentioned.

The language of the proposed § 120.2(h), which defines "Indian land", has been changed to include lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. This language has been added so as to include those lands set aside, reserved or purchased for tribes by the United States where such rights exist but where no express trust language appears in the title document.

The language for that portion of the proposed § 120.2(m) which cites the purpose for "recordation" or "recording" has been changed so as to add constructive notice of the ownership and change of ownership and the existence of encumbrances to the land. The legislative history of the Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5), which appears in House Executive Document No. 73 (52nd Congress, 1st Session) and in the Congressional Record of March 21, 1892, at 2254, implies with certainty that the recordation of Indian title documents in the Office of the Commissioner of Indian Affairs would give constructive notice of such conveyance documents provided the documents were recorded after enactment of the then proposed legislation.

Because title documents affect vested property rights, actions to cure defects should not generally be initiated by the Land Titles and Records Office. Therefore, proposed § 120.7(a) has been changed to require only that, with the exception of probate records, the Land Titles and Records Office shall notify the originating office of defects appearing in title documents.

The language of proposed § 120.8 has been changed by deleting the requirements that requests for title status reports be on a prescribed form and that such requests identify the lands by legal description. It is felt that these requirements were burdensome and, in the case of legal descriptions, not always necessary to the clear identification of the land in question.

To avoid the possibility of being misleading, the words "equally with" in proposed § 120.10 have been changed to read "the same as."

Several comments were directed to proposed § 120.11(a) where it addresses policy grounds for denying access to land records and title documents where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. This language was employed because the Bureau of Indian Affairs, in meeting its fiduciary responsibility to Indian tribes, is particularly sensitive to the public disclosure of income derived from tribal leases. For this reason, we have added to § 120.11(a) that it shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

Special problems exist in applying the regulations of this part in their entirety to the Juneau Area Office and the Cherokee Agency (North Carolina). In both cases, title services have been performed at the agency level. Agency realty specialists perform essentially the same services (including title status reports) performed at title plants. In Alaska, documents are kept at the agency and recorded in the State recording system. It was not thought advisable to apply every single portion of the regulations to the Juneau Area Office or Cherokee Agency at this time. Rather, the regulations permit the continuance of the slight differences in practice in those two offices without inhibiting developments which would bring them more in line with the officially designated Land Titles and Records Offices in the future. For example, neither the Juneau Area Office nor the Cherokee Agency has been designated as a certifying office for

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purposes of § 120.10. However, either may be so designated in the future.

The primary authors of this document have been Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, New Mexico 87103, (503-766-2800) (FTS 8-474-2800), and Howard Piepenbrink, Realty Specialist, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Code 226, (202-343-5473) (FTS 8-343-5473).

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic impact on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. Although this rule sets forth procedures for the recordation of Indian land conveyances and title documents in order to provide constructive notice, such documents are drafted and executed pursuant to other existing regulations. The rule, therefore, does not impose new information collection or recordkeeping requirements on individuals, businesses, organizations, or state and local governments.

(5 U.S.C. 301; 25 U.S.C. 1 and 2; 25 U.S.C. 5 and 9; 209 DM 8)

Part 120 of Title 25 of the Code of Federal Regulations is revised to read as follows:

PART 120—LAND RECORDS AND TITLE DOCUMENTS

Sec.

120.1 Purpose and scope.
120.2 Definitions.
120.3 Maintenance of land records and title documents.
120.4 Location and service areas for land titles and records offices.
120.5 Other Bureau offices with title service responsibility.
120.6 Recordation of title documents.
120.7 Curative action to correct title defects.
120.8 Title status reports.
120.9 Land status maps.
120.10 Certification of land records and title documents.
120.11 Disclosure of land records, title documents, and title reports.

Authority: Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5). Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262). (Act of April 26, 1906 (34 Stat. 137); Act of May 27, 1908 (35 Stat. 312); Act of August 1, 1914 (38 Stat. 582, 598) deal specifically with land records of the Five Civilized Tribes.)

Cross-References: For further regulations pertaining to proceedings in Indian probate, see 43 CFR Part 4, Subpart D.

§ 120.1 Purpose and scope.

These regulations set forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

§ 120.2 Definitions.

As used in this part.

(a) "Secretary" is the Secretary of the Interior or his authorized representative.

(b) "Commissioner" is the Commissioner of Indian Affairs or his authorized representative.

(c) "Agency" is an Indian Agency or other field unit of the Bureau of Indian Affairs having Indian land under its immediate jurisdiction.

(d) "Superintendent" is the designated officer in charge of an Agency.

(e) "Tribe" is a tribe, band, nation, community, rancheria, colony, pueblo, or other Federally-acknowledged group of Indians.

(f) "Bureau" is the Bureau of Indian Affairs.

(g) "Land" is real property, including any interests, benefits, and rights inherent in the ownership of the real property.

(h) "Indian land" is an inclusive term describing all lands held in trust by the United States for individual Indians or tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. For purposes of this Part, the term Indian land also includes land for which the title is held in fee status by Indian tribes, and U.S. Government-owned land under Bureau jurisdiction.

(i) "Administrative Law Judge" is an employee of the Office of Hearing and Appeals, Department of the Interior, upon whom authority has been conferred by the Secretary to probate the trust or restricted estates of deceased Indians in accordance with 43 CFR, Part 4, Subpart D.

(j) "Land Titles and Records Offices" are those offices within the Bureau of Indian Affairs charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian lands, to examine titles, and to provide title status reports for such land.

(k) "Manager" is the designated officer in charge of a Land Titles and Records Office.

(l) "Title document" is any document that affects the title to or encumbers Indian land and is required to be recorded by regulation or Bureau policy.

(m) "Recordation" or "recording" is the acceptance of a title document by the appropriate Land Titles and Records Office. The purpose of recording is to provide evidence of a transaction, event, or happening that affects land titles; to preserve a record of the title document; and to give constructive notice of the ownership and change of ownership and the existence of encumbrances to the land.

(n) "Title examination" means an examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Indian land with certification of the findings by the Manager of the Land Titles and Records Office.

(o) "Title status report" means a report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on record; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.

§ 120.3 Maintenance of land records and title documents.

The Land Titles and Records Offices within the Bureau are hereby designated as the offices of record for land records and title documents and are hereby charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian land, to examine titles, and to provide title status reports.

§ 120.4 Locations and service areas for land titles and records offices.

Shown below are present Land Titles and Records Offices and the jurisdictional area served by each office.

(a) Aberdeen, S. Dakota Office provides title service for Indian land located under the jurisdiction of the Aberdeen and Minneapolis Area Offices, except for Indian land on the White Earth, Isabella, and Oneida Indian Reservations.

(b) Albuquerque, New Mexico Office provides title services for Indian land located under the jurisdiction of the Albuquerque, Navajo, and Phoenix Area Offices.

(c) Anadarko, Oklahoma Office provides title services for Indian land located under the jurisdiction of the Anadarko Area Office and under the Miami Agency of the Muskogee Area Office.

(d) Billings, Montana Office provides title services for Indian land located

HeinOnline -- 46 Fed. Reg. 47537 1981

under the jurisdiction of the Billings Area Office.

(e) Portland, Oregon Office provides title services for Indian land located under the jurisdiction of the Portland and Sacramento Area Offices.

§ 120.5 Other Bureau offices with title service responsibility.

(a) Muskogee Area Office is the office of record and performs limited title functions for all Indian land of the Five Civilized Tribes. The regulations in this part apply to the Muskogee Area Office to the extent that they relate to the title services performed by that office.

(b) The Juneau Area Office has title service responsibility for the Juneau Area. This authority has been largely delegated to the agencies. The regulations in this part apply to the Juneau Area Office to the extent practicable.

(c) The Cherokee Agency has title service responsibility for the Eastern Cherokee Reservation. The regulations in this part apply to the Cherokee Agency to the extent practicable.

(d) The Bureau Central Office, Washington, D.C., provides title services for all other Indian land not shown above in § 120.4 or in this section, including the land of the Absentee Wyandottes. The regulations in this part apply to the Central Office.

§ 120.6 Recordation of title documents.

All title documents shall be submitted to the appropriate Land Titles and Records Office for recording immediately after final approval, issuance, or acceptance. Bureau officials delegated authority by the Secretary to approve title documents or accept title are responsible for prompt compliance with the recording requirement. Documents submitted for recording shall be completed in accordance with prescribed Bureau regulations or instructions.

(a) *Title documents other than probate records.* The original, a signed duplicate, or a certified copy of such documents shall be submitted for recording. Following the recording process, the Land Titles and Records Office will return those title documents that are required to be returned to the originating office with appropriate recording information.

(b) *Probate records.* In accordance with 43 CFR Part 4, Subpart D, Administrative Law Judges shall forward the original record of Indian probate decisions and copies of petitions for rehearing, reopening, and other appeals to the Land Titles and Records Office which provides service to the originating Agency. If trust land or Indian heirs involved in the probate are located within the jurisdictional area of another Land Titles and Records Office, the Administrative Law Judge shall also send a duplicate copy to that office. Probate records submitted by an Administrative Law Judge for recording will be retained by the Land Titles and Records Office.

§ 120.7 Curative action to correct title defects.

Land Titles and Records Office shall initiate such action as described below to cure defects in the record discovered during the recording of title documents or examination of titles.

(a) If an error is traced to a defective title document other than probate records, the Land Titles and Records Office shall notify the originating office of the defect.

(b) If errors are discovered in probate records, the Land Titles and Records Office may initiate corrective action as follows:

(1) An administrative modification shall be issued to modify probate records to include any Indian land omitted from the inventory if such property is located in the same state and takes the same line of descent as that shown in the original probate decision. Authority is delegated to the Commissioner by 43 CFR 4.272 to make such modifications except on those Indian reservations covered by special Inheritance Acts [43 CFR 4.300]. Copies of administrative modifications shall be distributed to the appropriate Administrative Law Judge, Agencies with jurisdiction over the Indian land, and to all persons who share in the estate.

(2) Land Titles and Records Offices shall notify the Superintendent when modifications are required by Administrative Law Judges for other types of probate errors. Corrective action is then initiated in accordance with 43 CFR Part 4, Subpart D.

(3) Land Titles and Records Offices shall issue administrative corrections to correct probate errors which are clerical in nature and which do not affect vested property rights or involve questions of due process. Copies of administrative corrections are distributed to the appropriate Administrative Law Judge and Agency.

§ 120.8 Title status reports.

Land Titles and Records Offices may conduct a title examination of a tract of Indian land provide a title status report upon request to those persons authorized by law to receive such information. Requests for title status reports shall be submitted by or through the Bureau office that has administrative jurisdiction over the Indian land. All requests must clearly identify the tract of Indian land.

§ 120.9 Land status maps.

The Land Titles and Records Offices shall prepare and maintain maps of all reservations and similar entities within their jurisdictions to assist Bureau personnel in the execution of their title service responsibilities.

Base maps shall be prepared from plats of official survey made by the General Land Office and the Bureau of Land Management. These base maps, showing prominent physical features and section, township and range lines, shall be used to prepare land status maps. The land status maps shall reflect the individual tracts, tract numbers, and current status of the tract. Other special maps, such as plats and townsite maps, may also be prepared and maintained to meet the needs of individual Land Titles and Records Offices, Agencies, and Indian tribes.

§ 120.10 Certification of land records and title documents.

Under the provisions of the Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 6), an offical seal was created for the use of the Commissioner of Indian Affairs in authenticating and certifying copies of Bureau records. Managers of Land Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR Part 2, Appendix A.

§ 120.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations

HeinOnline -- 46 Fed. Reg. 47538 1981

will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-28165 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R]

Implementation of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment No. 8

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment No. 8 to final rule.

SUMMARY: This amends DoD Regulation 6010.8-R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment is necessary to implement language contained in the DoD Appropriation Act, 1981. This amendment will allow benefit consideration for one wig/hairpiece (lifetime maximum) when hair loss has resulted from treatment of a malignant disease, provided the individual has not previously received a wig/hairpiece from the Government.

EFFECTIVE DATE: This amendment is retroactively effective to wigs/hairpieces provided on or after December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas J. Osoba, Chief, Program Policy Branch, OCHAMPUS, telephone (303) 341-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

The Department of Defense Appropriation Act, 1981 (Pub. L. 96-527, Section 744) authorizes CHAMPUS coverage during Fiscal Year 1981 of one wig/hairpiece (lifetime maximum) if an individual has alopecia that resulted from treatment of a malignant disease. The intent of this legislation is to lessen the emotionally devastating impact a beneficiary experiences when hair loss occurs as a result of treatment of malignant disease by providing financial assistance in the purchase of a wig/hairpiece. Most methods of treatment of malignant diseases may result in hair loss, which is especially disturbing to female patients. Wearing a wig/hairpiece can improve the morale of those who have suffered hair loss in this way and does not interfere with hair regrowth.

Currently, Section 199.10(g)(45) of this Part specifically prohibits the payment of CHAMPUS benefits for wigs and hairpieces. This amendment to the rule is necessary in order to provide an exception to the exclusion as of December 15, 1980; therefore, an explanatory note will be added to section 199.10(g)(45). Extension of the benefit beyond Fiscal Year 1981 will depend upon language of the annual Department of Defense Appropriation Act.

As authorized under title 5, United States Code section 553(b)(B), the final regulation is being published and no previous public comment has been requested. It was determined that the benefit has been expanded through Congressional legislation in December 1980, and it is not in the public interest to delay the implementation through the publication of a proposed rule.

Acordingly, 32 CFR, Chapter I, is amended reading as follows:

PART 198—TECHNICAL MANUAL (TM) MANAGEMENT

1. In § 199.10, paragraph (g)(45) is revised to read as follows:

199.10 Basic program benefits.

* * * * *

(g) *Exclusions and limitations.* * * *

(45) Hair transplants; Wigs or hairpieces.

Note.—In accordance with the Department of Defense Appropriation Act, 1981 (Pub. L. 96-527, Section 744), CHAMPUS coverage for wigs/hairpieces is permitted effective December 15, 1980 under the conditions listed below. Availability of benefits beyond Fiscal Year 1981 will depend on the language of the annual Department of Defense Appropriation Act.

(i) *Benefits provided.* Benefits may be extended, in accordance with the CHAMPUS-determined allowable charge, for one wig/hairpiece per beneficiary (lifetime maximum) when the attending physician certifies that alopecia has resulted from treatment of a malignant disease and the beneficiary certifies that a wig/hairpiece has not previously been obtained through the United States Government (including the Veterans' Administration).

(ii) *Exclusions.* The wig/hairpiece benefit does not include coverage for the following:

(A) Alopecia resulting from conditions other than treatment of malignant disease.

(B) Maintenance, wig/hairpiece supplies, or replacement of the wig/hairpiece.

(C) Hair transplants or any other surgical procedure involving the attachment of hair or a wig/hairpiece to the scalp.

(D) Any diagnostic or therapeutic method or supply intended to encourage hair regrowth.

* * * * *

(10 U.S.C. 1086, 5 U.S.C. 301)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 23, 1981.

[FR Doc. 81-28090 Filed 9-28-81; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Changes in Veterans' Disability Compensation and Survivors Benefits

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its adjudication regulations to implement a new law, the Veteran's Disability Compensation and Housing Benefits Amendments of 1980. This law (1) increases the rates of disability compensation and the rates of dependency and indemnity compensation (DIC) payable to surviving spouses and children, (2) amends the rules on reduction of pension due to hospitalization, (3) eliminates waiver of retired pay in improved pension cases, (4) authorizes a new limited specially adapted housing grant, (5) provides that compensation and DIC shall be substantially reduced if the payee is incarcerated as a result of conviction of a felony, and (6) directs that a total compensation rating based on unemployability may not be assigned to an incarcerated veteran.

EFFECTIVE DATES: Except for reduction of compensation and DIC due to

HeinOnline -- 46 Fed. Reg. 47539 1981