

Applications for conditional or firm commitments received on or after November 15, 1982, will be processed at the rate specified above, with the exception of applications submitted pursuant to unexpired site appraisal and market analysis (SAMA) or feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed upon by the parties. Notwithstanding these exceptions, the application will be processed at the new lower rate if requested by the mortgagee.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

17. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

Effective on or after November 15, 1982, the mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed:

- (a) 13.00 percent per annum with respect to permanent financing;
- (b) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Applications for conditional or firm commitments received on or after November 15, 1982, will be processed at the rates specified above, with the exception of applications submitted pursuant to unexpired site appraisal and market analysis (SAMA) or feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed upon by the parties. Notwithstanding these exceptions, the application will be processed at the new lower rate if requested by the mortgagee.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

18. In § 242.33 paragraph (a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) Effective on or after November 15, 1982, the mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed:

- (1) 13.00 percent per annum with respect to permanent financing;
- (2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

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PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

Subpart A—Eligibility Requirements

19. In § 244.45, paragraph (a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) Effective on or after November 15, 1982, the mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed:

- (1) 13.00 percent per annum with respect to permanent financing;
- (2) 14.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Applications for conditional or firm commitments received on or after November 15, 1982, will be processed at the rates specified above, with the exception of applications submitted pursuant to unexpired site appraisal and market analysis (SAMA) or feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed upon by the parties. Notwithstanding these exceptions, the application will be

processed at the new lower rate if requested by the mortgagee.

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709-1; Sec. 7, Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d))

Dated: November 12, 1982.

W. Calvert Brand,
*Acting Assistant Secretary for Housing—
Federal Housing Commissioner.*

[FR Doc. 82-32301 Filed 11-24-82; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-118; Ref: Notice No. 422]

Loramie Creek Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Shelby County, Ohio, to be known as "Loramie Creek." The Bureau of Alcohol, Tobacco and Firearms (ATF), believes the establishment of Loramie Creek as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: December 27, 1982.

FOR FURTHER INFORMATION CONTACT: Lori D. Weins, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 [202-566-7626].

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region

distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. Homer K. Monroe, proprietor of the Vinterra Farm Winery and Vineyard in Houston, Ohio, petitioned ATF to establish a viticultural area in Shelby County, Ohio, to be known as "Loramie Creek." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 422, in the *Federal Register* on September 1, 1982 (47 FR 38553), proposing the establishment of the Loramie Creek viticultural area.

Comments

No comments were received during the comment period. ATF has received no information from any source indicating opposition to the petition.

Evidence of the Name

The name of the area, Loramie Creek, was well documented by the petitioner. After evaluating the petition, ATF believes that the Loramie Creek viticultural area has a unique historical identity and that the area is known by the name "Loramie Creek."

Geographical Evidence

The petition established the Loramie Creek viticultural area as a distinctive grape-growing region distinguished from the surrounding areas on the basis of soil.

The soil in the Loramie Creek viticultural area is the Glynwood-Blount Soil Association. This soil association is found on ridges and side slopes that parallel major streams and drainageways north and west of the Great Miami River. The landscape of the association is typified by mostly gently sloping to sloping topography of uplands. The major soils in this association formed in clay loam or silty clay loam glacial till. Glynwood soils are moderately well drained and mostly gently sloping to sloping. The Blount soils are somewhat poorly drained and occur on nearly level and gently sloping topography. Most areas of the association are used as cropland or pasture. The slope and a severe erosion hazard are the major limitations of the Glynwood soils for farming. Seasonal wetness and a moderate erosion hazard are the major limitations of the Blount soils for farming. Unless artificially drained, Blount soils are slow to dry out in spring.

The associations that surround the Loramie Creek viticultural area are the Blount-Pewamo Association and the

Blount-Pewamo-Glynwood Association. The basic characteristics of the Blount-Pewamo Association are level to gently sloping, somewhat poorly drained and very poorly drained soils formed in glacial till on uplands. The Blount-Pewamo-Glynwood Association is typified by level to gently sloping, somewhat poorly drained, very poorly drained, and moderately well drained soils formed in loamy glacial till on uplands.

Boundaries

The boundaries proposed by the petitioner are adopted. Although ATF believes the Loramie Creek viticultural area could be expanded, to include some adjacent areas containing the Glynwood-Blount Soil Association, we are approving the boundaries as proposed because at the present time there is no viticulture in the adjacent areas. Specific boundaries are set out in the regulatory text to § 9.62.

Miscellaneous

ATF does not wish to give the impression by approving the Loramie Creek viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Loramie Creek wines.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because the final rule will not have a significant economic impact on a substantial number of small entities. The

final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Disclosure

A copy of the petition and appropriate maps with boundaries marked are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Drafting Information

The principal author of the document is Lori D. Weins, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.62. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.	*	*	*	*	*
9.62	*	*	*	*	*
	*	*	*	*	*

Par. 2. Subpart C is amended by adding § 9.62 to read as follows:

Subpart C—Approved American Viticultural Areas

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§ 9.62 Loramie Creek.

(a) *Name.* The name of the viticultural area described in this section is "Loramie Creek."

(b) *Approved map.* The approved map for the Loramie Creek viticultural area is the U.S.G.S. map entitled "Fort Loramie

Quadrangle, Ohio—Shelby Co.," 7.5 minute series (topographic), 1961 (photoinspeted 1973).

(c) *Boundaries:* The Loramie Creek viticultural area is located entirely within Shelby County, Ohio. The boundaries are as follows:

(1) From the beginning point of the boundary at the intersection of State Route 47 and Wright-Puthoff Road, the boundary runs southward on Wright-Puthoff Road for a distance of 1½ miles to the intersection of the Wright-Puthoff Road with Consolidated Railroad Corporation (indicated on the U.S.G.S. map as New York Central Railroad);

(2) Then along the Consolidated Railroad Corporation right-of-way in a southwesterly direction for a distance of 2½ miles to the intersection of the Consolidated Railroad Corporation right-of-way with Loramie Creek;

(3) Then upstream along Loramie Creek in a northwesterly direction for a distance of approximately 3½ miles to the intersection of Loramie Creek and State Route 47;

(4) Then eastward on State Route 47 for a distance of approximately 4½ miles to the beginning point of State Route 47 and Wright-Puthoff Road.

Signed: November 10, 1982

Stephen E. Higgins,
Acting Director.

Approved: November 16, 1982.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 82-32362 Filed 11-24-82; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket H-103S]

Educational/Scientific Diving

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: OSHA is exempting scientific diving from coverage of 29 CFR Part 1910, Subpart T, Commercial Diving Operations, provided that the scientific diving is under the direction and control of a diving program utilizing a diving safety manual and a diving control board meeting certain specified criteria. Based on comments, data and other information contained in the record, OSHA has determined that there are significant differences between commercial diving and scientific diving

and that the diving programs followed by the scientific diving community have resulted in an effective system of self-regulation. OSHA believes the exemption will allow the scientific diving community to perform significant underwater scientific research activities while maintaining the safety and health of scientific divers.

EFFECTIVE DATE: This final rule becomes effective on November 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Glen E. Gardner or Ms. Joanne E. Slattery, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3463, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-7225.

SUPPLEMENTARY INFORMATION:

I. Background

On November 5, 1976, OSHA published a notice of proposed rulemaking with respect to commercial diving operations (41 FR 48950). This proposal was published concurrently with a notice of hearing on commercial diving operations issued by the U.S. Coast Guard (41 FR 48969). Public hearings were held by OSHA, with the participation of the Coast Guard, in New Orleans, Louisiana, on December 16-21, 1976, and January 10-14, 1977. The record of this rulemaking was used in the development and promulgation of the OSHA final standard, published July 22, 1977 (42 FR 37650), and the Coast Guard's notice of proposed rulemaking, published November 10, 1977 (42 FR 58712).

The OSHA final standard for commercial diving operations, codified as §§ 1910.401-441, Subpart T of 29 CFR Part 1910, did not exempt diving operations performed for scientific research and development purposes. However, the Coast Guard proposal, which was similar in content to the OSHA final standard, proposed to exempt diving performed solely for scientific research and development purposes by educational institutions (educational/scientific diving) and retained the exemption in its final rule, published November 16, 1978 (43 FR 53683).

Since the publication of Subpart T, OSHA has received requests from various individuals and organizations to reconsider its coverage of educational/scientific diving because they believe the application of Subpart T to this type of diving is inappropriate. They have noted that it is customary for the educational/scientific diving community to follow well-established, consensual standards of safe practice. The first set of consensual standards was developed

by the Scripps Institution of Oceanography of the University of California (Scripps) in the early 1950's. In 1973, diving safety boards and committees from ten major educational institutions involved in scientific diving met and accepted the *University of California Guide for Diving Safety* as a minimum standard for their individual programs (Ex. 4:1). Therefore, it was contended that most educational institutions that had diving programs were complying with this consensual standard with limited modifications for regional and operational variations in diving before the publication of the OSHA final standard. These educational institutions pointed to their excellent safety record prior to OSHA, attributing it to the effectiveness of their self-regulation.

Additionally, they noted that significant differences exist between commercial diving and educational/scientific diving. For example, the educational/scientific diver is an observer and data gatherer who chooses the work area and diving conditions which will minimize environmental stresses and maximize the safety and efficiency of gathering data.

They noted, in contrast, the commercial diver is an underwater construction worker, builder and trouble shooter whose work area and diving conditions are determined by the location and needs of the project.

Based on the concerns expressed in these requests, OSHA published, on August 17, 1979, an advance notice of proposed rulemaking (ANPR) (44 FR 48274) to obtain additional information concerning which provisions of Subpart T were causing the most difficulty for the educational/scientific diving community, and what modifications to the Subpart should be considered. Educational institutions submitted 25 of the 51 comments that OSHA received in response to the ANPR, and were unanimous in recommending an exemption of their diving activities from coverage under Subpart T. The majority of the remaining comments supported an exemption for all segments of the scientific diving community.

Commenters recommending an exemption continued to contend that the application of Subpart T to scientific diving is inappropriate because there are very significant differences between this type of diving and commercial diving; that they have been self-regulating their scientific diving programs for more than two decades; and that their programs are patterned after those safety standards and training procedures developed for scientific