

annuity would cause the plan to fail to satisfy this section.

Roscoe L. Egger, Jr.

Commissioner of Internal Revenue.

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## DEPARTMENT OF INTERIOR

### Minerals Management Service

30 CFR Parts 211, 221, 231, 250, and 270

#### Decision Not To Propose Rulemaking To Require the Designation of an Operator of Record and the Implementation of a Single Payor Plan for Each Lease

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of Decision not to propose rulemaking.

**SUMMARY:** On June 22, 1982 (47 FR 26856), the Minerals Management Service (MMS) sought comments on the concepts of an operator of record and a single payor plan for each lease, both recommendations of the Commission of Fiscal Accountability of the Nation's Energy Resources. MMS received 41 responses to this notice. Because of the comments and for other considerations, MMS has decided not to propose rulemaking on these two items.

**FOR FURTHER INFORMATION CONTACT:** Orie L. Kelm, Deputy Associate Director for Royalty Management (703) 860-7511.

**SUPPLEMENTARY INFORMATION:** After reviewing the comments and considering other material that has been developed, the Minerals Management Board of MMS has reached the following conclusions concerning these two proposed items:

#### "Operator of Record"

Comments received by MMS pointed out a number of substantial legal and administrative problems that need further research before a decision can be made whether to proceed with a proposed operator of record. Therefore, MMS does not propose to issue a rulemaking on the operator of record concept at this time.

Further study will be undertaken by MMS prior to final determination on how the operator of record concept could best be implemented.

#### "Single Payor Plan for Each Lease"

MMS feels that the establishment of the payor information form/subaccount system as part of the new Auditing and

Financial System, now being established as the permanent royalty collection system, meets the goals of this specific recommendation. Therefore MMS does not propose to proceed with any other type of payor plan process.

List of Subject in 30 CFR Parts 211, 221, 231, 250, and 270

Minerals royalty accounting.

Dated: October 22, 1982.

Robert E. Boldt,

Associate Director for Royalty Management.

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## VETERANS ADMINISTRATION

38 CFR Part 3

#### Claims Based Upon Ionizing Radiation Exposure

**AGENCY:** Veterans Administration.

**ACTION:** Proposed regulations.

**SUMMARY:** The VA (Veterans Administration) proposes three regulations to comply with an order of the United States District Court for the District of Columbia. The proposed regulations consist of the texts of three internal Agency documents which were previously ruled invalid by the court, but have now been ordered published for public notice and comment. They relate to veterans' disability claims based upon alleged ionizing radiation exposure in service. VA believes that none of the three documents is regulatory in nature, and is appealing the court order compelling this publication. The regulations may be subject to rescission following appellate review of the underlying litigation.

**DATE:** Comments must be received on or before January 25, 1983. We propose to make these regulations effective date of final approval.

**ADDRESSES:** Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 4, 1983. Any person visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to a VA field station will be informed that the records are available for inspection

only in Central Office and will be furnished the address and room number.

**FOR FURTHER INFORMATION CONTACT:** A. J. Mullen, Veterans Administration, Office of General Counsel (021E), 810 Vermont Ave., N.W., Washington, DC 20420. (202) 389-3088.

**SUPPLEMENTARY INFORMATION:** These three proposed regulations are being published to comply with a court order in the case of *Gott v. Nimmo*, No. 80-0906 (D.D.C., Memorandum Order Sept. 7, 1982). For an account of the background of the documents and the course of this litigation, the reader is referred to the supplementary information accompanying the publication in the Federal Register of a proposed VA regulation, 38 CFR 3.161, on May 20, 1982. See 47 FR 21858 (1982). As discussed therein, use of all three of the challenged documents was terminated following the court's order of September 30, 1981, which declared them invalid.

As noted above, an appeal of *Gott v. Nimmo* is now pending before the United States Court of Appeals for the District of Columbia Circuit. Not only is VA advancing the argument that the three documents in question are not such as to be required to be promulgated as proposed regulations, but the DNA (Defense Nuclear Agency) is also challenging the district court's order requiring rulemaking on the methodologies by which it determines ionizing radiation dosages for military participants in nuclear weapon tests. See 47 FR 21853(1982). The basic position of the Government in this litigation is that the materials on which the district court has ordered rulemaking constitute mere informational guidance to agency personnel, and are not rules which substantively bind decisionmaking on veterans' disability claims.

The regulations proposed herein are the verbatim texts on the three VA documents invalidated by the district court by its order of September 30, 1981, modified to conform with format requirements of the Federal Register. Because they have been out of use for some time, they may contain some outdated material. Following review of comments received in response to this publication, they will be revised as required. The proposed regulations, which would be added as §§ 3.162, 3.163, and 3.164 to Title 38, Code of Federal Regulations, are set forth below. It is again emphasized that these proposed regulations are being published solely to comply with the court order. Should the Government