

extension request is justified.<sup>2</sup> Therefore, EPA cannot approve the extension request at this time.

**EPA's action:** EPA has evaluated the Nebraska lead SIP and determined that, with the exception of the control strategy for the Omaha area, it meets the requirements of Section 110(a) of the CAA and 40 CFR Part 51, Subparts B and E. EPA believes the SIP is adequate to attain and maintain the NAAQS for lead and is therefore proposing approval of the plan, except for the control strategy for Omaha. That portion of the plan will be acted on by EPA in future rulemaking.

The Regional Administrator hereby issues this notice setting forth EPA's proposed approval, with exceptions, of the Nebraska lead SIP and advises the public that interested persons may participate by submitting written comments to the Region VII Office. Comments received on or before the date listed in the DATES section will be considered. Comments received will be available for public inspection at the EPA Region VII Office and at the locations listed in the ADDRESS section of this notice.

The Administrator's final decision to approve or disapprove the Nebraska lead SIP will be based on the comments received and on a determination whether the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subpart B and E and Part 58.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region VII office.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead.

<sup>2</sup>Under section 110(e), EPA may extend the attainment date a maximum of two years, if among other findings, it determines that technology is not available to attain the standard within the prescribed time. EPA cannot make such a finding without further information on the adequacy of the control strategy for Omaha. This information will be submitted by the State of Nebraska when they submit the revised SIP for Omaha.

Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: June 20, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-23879 Filed 8-20-83; 8:45 am]

BILLING CODE 6899-60-M

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1611

#### Eligibility

**AGENCY:** Legal Services Corporation.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule revises the Corporation's regulations governing determination of eligibility for legal services. This revision is needed to clarify the rule, strengthen enforcement procedures, and better focus resources on those in need of legal assistance. This proposed rule sets out more specific and detailed financial eligibility standards, provides for better documentation and verification of eligibility, and slightly narrows the categories of persons and organizations eligible.

**DATES:** Comments must be received on or before September 28, 1983.

**ADDRESS:** Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Room 820, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** John C. Meyer, Deputy General Counsel, (202) 272-4010.

#### SUPPLEMENTARY INFORMATION:

##### General

This regulation has given rise to repeated issues of interpretation, particularly in the areas of allowable group representation and whether the criteria other than income in § 1611.5 should operate to deny representation to persons within the income limits, as well as to allow representation of persons above the income limits. Furthermore, when complaints as to eligibility have been received, the Corporation has often had difficulty in obtaining the necessary information on which to make a determination. Finally, the lack of increase in Corporation appropriations has prompted a reexamination of eligibility criteria so as to focus resources on those in most need. The significant revisions prompted by these considerations are discussed below.

#### Income Limits

The basic income limits remain the same. Two changes are proposed in the exceptions to these income limits in Sec. 1611.4. The first is to set an absolute ceiling of 150% of the maximum income level set by the local program. Irrespective of any of the other factors, such as debts or medical expenses, set forth in § 1611.5, no client may be served if that client's income level exceeds this limit. It is to be noted that local programs may set maximum income levels up to 125% of the Federal Poverty Income Guidelines, so the ceiling can be as high as 187.5% of the Federal Poverty Income Guidelines. Although a few people with higher incomes might reasonably be considered to have some legal need, based on unusual circumstances, none of them would be likely to have need comparable to that of an ordinary poverty income client. Consequently, this absolute ceiling will not work injustice and will serve as a safeguard against expenditure of funds for representation of persons who are not defined as poor.

A second change in the income criteria is the elimination of § 1611.4(c) which allows benefits received from a governmental income maintenance program to be disregarded in computing client income. As the purchasing power of dollars is the same whether derived from a government check or a paycheck, there is no apparent justification for this exception. All factors, such as age, which may be used by the government in granting such income maintenance are also available to the local program under § 1611.5 in deciding whether a client is eligible. Indeed, since the income considered is gross income, a person receiving governmental income maintenance payments may have more disposable income than one receiving income solely from employment and paying, at a minimum, social security taxes.

#### Criteria Other Than Income

These criteria are lumped together in one list in § 1611.5 of the current regulation. The proposed regulation splits them into two groups. Section 1611.5(b)(1) sets out factors which may be used in justifying serving persons over the recipient's maximum income level. Section 1611.5(b)(2) sets out factors which shall be considered in denying assistance to persons under the recipient's maximum income level. This division was implicit in the current list, as some factors, such as medical expenses, clearly could only favor eligibility, while other factors, such as

the existence of assets, could only disfavor eligibility. Some factors, such as current income prospects, could either favor or disfavor eligibility and are, consequently, found in both of the proposed sections.

The favorable factors "may" be considered, while the unfavorable factors "shall" be considered. This difference in terminology serves to allow a program whose resources are very scarce to use its maximum income level as a bar to eligibility without going through a futile process of considering additional factors when its resources are already committed to serving those who are clearly income-eligible. The use of "shall" with the unfavorable factors requires that inquiry be made as to those of the listed factors that might be relevant to the particular applicant.

There have been two substantive changes made in these factors. The first is that only unpaid taxes from prior years may be considered under the proposed regulation. This change is consistent with previous General Counsel's opinions confirming the general concept that gross income is the eligibility criterion. Prior year unpaid taxes are a special circumstance and are in addition to any current taxes. Furthermore, unpaid taxes are usually an indicator of financial distress.

The second change is that all assets above a "maximum allowable amount", and not just liquid net assets, are counted under the proposed rule.

#### Assets

A new § 1611.6 is added setting forth detailed rules for the computation of assets. In summary, it allows \$1,500 of assets per household (\$3,000 if a household member is age 60 or over) to be disregarded. The net value of any assets above this maximum allowable amount must be considered by the program in determining eligibility. Certain assets are exempted in determining the maximum allowable amount. The most important exceptions are equity up to \$15,000 in a house, \$4,500 in vehicles, \$30,000 in farmland used to produce income, and \$10,000 in work-related equipment is excluded. Household goods, personal effects, and the cash value of life insurance policies and pension funds (except Keough plans and IRA's) also are excluded. Certain governmental payments including home restoration and disaster loans and grants are excluded as are Indian lands held jointly with the tribe. Finally, trust funds and/or income are excluded if not available to the household under detailed criteria set forth in the regulation.

#### Group Representation

The present regulation, § 1611.5(c), allows representation of a group if it is either composed primarily of eligible clients or if it has as its primary purpose furtherance of the interests of eligible clients and provides information showing that it lacks the funds to obtain private legal counsel. The proposed regulation requires that a group be composed primarily of eligible clients and provide information showing that it lacks the funds to obtain private counsel.

There are two changes made in the proposed regulation. First, all groups must establish a lack of funds, since even a group composed primarily of eligible clients may have some rich members or may have significant sources of funds other than from its membership. Secondly, the regulation abolishes the category of groups whose primary purpose is furtherance of the interests of eligible clients. There are two interrelated reasons for this change. The first reason is that "furtherance of the interests of eligible clients" is a nebulous standard; the second is that representation of individual eligible clients is the purpose of the Corporation. This purpose can arguably be served by representing groups primarily composed of eligible clients because, presumably, these eligible clients will control the group. To extend this logic to groups not primarily composed of eligible clients is, at best, to allow someone else to use these resources for the benefit of eligible clients, rather than allowing the eligible clients to use these resources for their own benefit.

#### Disclosure of Financial Eligibility Information

The proposed regulation adds to § 1611.7(c) (formerly § 1611.6(c)) a provision for disclosure of financial eligibility information to the Corporation under carefully limited circumstances. The proposed regulation provides that the Corporation may obtain such information only when allegations questioning the eligibility of a previously identified client have been made. The Corporation may seek only information relating to the financial eligibility of that particular client and this information must be necessary to confirm or deny specific allegations as to the financial eligibility of that client and the recipient program's representation of that client. Information shall be denied to the Corporation if it is protected by the attorney-client privilege.

The recipient is required to notify the client before providing the information to the Corporation, thus allowing the

client to seek legal redress if in the client's opinion the information is privileged. Finally, the regulation prohibits disclosure of this information outside the Corporation.

#### Retainer Agreement

A new § 1611.8 has been added requiring that the recipient program execute a written retainer agreement with each client in a form approved by the Corporation. This is normal practice with many recipients and nearly all private law firms. As a matter of good legal practice and to protect both clients and recipients, it should be made universal practice as is proposed herein.

"Brief advice and consultation" is exempted from this requirement. This would include most telephone contacts, unless an action is commenced or continuing services are provided. As a general guideline matters requiring not more than an hour of staff time which are concluded in a day may be included in this category.

#### List of Subjects in 45 CFR Part 1611

Eligibility, Legal services.

For the reasons set out above, 45 CFR Part 1611 is proposed to be amended by revising §§ 1611.1 through 1611.9 as follows:

#### PART 1611—ELIGIBILITY

Sec.	
1611.1	Purpose.
1611.2	Definitions.
1611.3	Maximum income level.
1611.4	Authorized exceptions.
1611.5	Determination of eligibility.
1611.6	Maximum allowable assets.
1611.7	Manner of determining eligibility.
1611.8	Retainer agreement.
1611.9	Change in circumstances.

#### Appendix A—Legal Services Corporation Poverty Guidelines

Authority: Section 1007(a)(2); 42 U.S.C. 2996(a)(2).

#### § 1611.1. Purpose.

This part is designed to ensure that a recipient will determine eligibility according to criteria that give preference to the legal needs for those least able to obtain legal assistance, and afford sufficient latitude for a recipient to consider local circumstances and its own resource limitations. The part also seeks to ensure that eligibility is determined in a manner conducive to development of an effective attorney-client relationship.

#### § 1611.2 Definitions.

"Governmental income maintenance program" means aid for dependent children, supplemental security income, unemployment compensation and a

State or county general assistance or home relief program.

"Governmental program for the poor" means any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of financial need.

"Income" means actual current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of a family unit.

"Total cash receipts" include money wages and salaries before any deduction, but do not include food or rent in lieu of wages; income from self-employment after deductions for business or farm expenses; regular payments from public assistance; social security; unemployment and worker's compensation; strike benefits from union funds; veterans benefits; training stipends; alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; public or private employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or from estates and trusts. They do not include money withdrawn from a bank, tax refunds, gifts, compensation and/or one-time insurance payments for injuries sustained, and non-cash benefits.

#### § 1611.3 Maximum income level.

(a) Every recipient shall establish a maximum annual income level for persons to be eligible to receive legal assistance under the Act.

(b) Unless specifically authorized by the Corporation, a recipient shall not establish a maximum annual income level that exceeds one hundred and twenty-five percent (125 percent) of the current official Federal Poverty Income Guidelines. The maximum annual income levels are set forth in Appendix A.

(c) Before establishing its maximum income level, a recipient shall consider relevant factors including:

- (1) Cost-of-living in the locality;
- (2) The number of clients who can be served by the resources of the recipient;
- (3) The population who would be eligible at and below alternative income levels; and
- (4) The availability and cost of legal services provided by the private bar in the area.

(d) Unless authorized by Section 1611.4, no person whose income exceeds the maximum annual income level established by a recipient shall be

eligible for legal assistance under the Act.

(e) This part does not prohibit a recipient from providing legal assistance to a client whose annual income exceeds the maximum income level established here, if the assistance provided the client is supported by funds from a source other than the Corporation.

#### § 1611.4 Authorized exceptions.

A person whose gross income exceeds the maximum income level established by a recipient but does not exceed 150 percent of that level may be provided legal assistance under the Act if:

(a) The person's circumstances require that eligibility should be allowed on the basis of one or more of the factors set forth in § 1611.5(b)(1); or

(b) The person is seeking legal assistance to secure benefits provided by a governmental program for the poor.

#### § 1611.5. Determination of eligibility.

(a) The governing body of a recipient shall adopt guidelines, consistent with these regulations, for determining the eligibility of persons seeking legal assistance under the Act. At least once a year, guidelines shall be reviewed and appropriate adjustments made.

(b) In addition to gross income, a recipient shall consider the other relevant factors listed in paragraphs (b)(1) and (b)(2) of this section before determining whether a person is eligible to receive legal assistance.

(1) Factors which may be used to justify serving clients over the maximum income level shall include:

(A) Current income prospects, taking into account seasonal variations in income;

(B) Medical expenses;

(C) Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;

(D) Child care, transportation, and other expenses necessary for employment;

(E) Expenses associated with age or physical infirmity of resident family members; and

(F) Other significant factors related to financial inability to afford legal assistance.

(2) Factors which shall be considered in denying assistance to an otherwise eligible individual shall include:

(A) Current income prospects, taking into account seasonal variations in income;

(B) The availability of private legal representation at a low cost with respect to the particular matter in which assistance is sought;

(C) The consequences for the individual if legal assistance is denied;

(D) The existence of assets, including both liquid and nonliquid, which exceed the maximum amount allowable set forth in § 1611.6;

(E) Other factors related to financial inability to afford legal assistance, which may include evidence of a prior administrative or judicial determination that the person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment; and

(c) A recipient may provide legal assistance to a group, corporation, or association if it is primarily composed of persons eligible for legal assistance under the Act and if it provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel.

#### § 1611.6 Maximum allowable assets.

The maximum allowable assets, including both liquid and nonliquid assets, of all members of the applicant's household shall not exceed \$1,500 for the household, except that, for households of two or more members including a member or members age 60 or over, such assets shall not exceed \$3,000.

(a) In determining the assets of a household, the following shall be included and documented by the recipient in sufficient detail to permit verification:

(1) Liquid assets, such as cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds, lump sum payments, funds held in individual retirement accounts (IRA's) and funds held in Keogh plans which do not involve the household member in a contractual relationship with individuals who are not household members. In counting assets of households with IRA's or includable Keogh plans, the recipient shall include the total cash value of the account or plan minus the amount of the penalty (if any) that would be exacted for the early withdrawal of the entire amount in the account or plan; and

(2) Nonliquid assets, personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, provided that these assets are not specifically excluded under paragraph (c) of this section. The value of nonexempt assets shall be their equity value. The equity value is the fair market value less encumbrances.

(b) Assets owned jointly by separate households shall be considered available in their entirety to each

household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the asset, the value of that portion of the asset shall be counted toward the household's asset level. The asset shall be considered totally inaccessible to the household if the asset cannot practically be subdivided and the household's access to the value of the asset is dependent on the agreement of a joint owner who refuses to comply. For the purpose of this provision, ineligible aliens or ineligible individuals residing with the household shall be considered household members. Assets shall be considered inaccessible to persons residing in shelters for battered women and children, if

(1) The assets are jointly owned by such persons and by members of their former household; and

(2) The shelter resident's access to the value of the assets is dependent on the agreement of a joint owner who still resided in the former household.

(c) In determining the assets of a household, only the following shall be excluded:

(1) Equity not to exceed \$15,000, in a home and surrounding property which is not separated from the home by intervening property owned by others. Public rights of way, such as roads which run through the surrounding property and separate it from the home, shall not affect the exemption of the property. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability caused by casualty or natural disaster, if the household intends to return.

Households that currently do not own a home, but are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exclusion for the value of the lot and, if it is partially completed, for the home not to exceed an equity value of \$15,000.

(2) Household goods, personal effects, including one burial plot per household member, and the cash value of life insurance policies. The cash value of pension plans or funds shall be excluded, except that Keogh plans which involve no contractual relationship with individuals who are not household members and individual retirement accounts (IRA's) shall not be excluded under this paragraph.

(3) One or more licensed vehicles with a total equity value not exceeding \$4,500. The exclusion also includes an unlicensed vehicle on those Indian

reservations that do not require vehicles driven by tribal members to be licensed.

(4) Equity value in farmland not to exceed \$30,000 provided that the property is essential to the self-employment of a household member and that the owner is attempting to produce income consistent with its fair market value, even if only used on a seasonal basis.

(5) Equity value in work-related equipment not to exceed \$10,000.00 which is essential to the employment or self-employment of a household member, provided that the owner is attempting to produce income consistent with its fair market value.

(6) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended; for example, payments made by the Department of Housing and Urban Development through the individual and family grant program or disaster loans or grants made by the Small Business Administration.

(7) Assets having a cash value which is not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold. The recipient shall verify that the property is for sale and that the household has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation, such as an advertisement for public sale in a newspaper or general circulation or a listing with a real estate broker. Any funds in a trust or transferred to a trust, and the income produced by that trust to the extent it is not available to the household, shall be considered inaccessible to the household if:

(i) The trust arrangement is not likely to cease during the certification period and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

(ii) The trustee administering the funds is either (A) a court, or an institution, corporation, or organization which is not under the direction or ownership of any household member or (B) an individual appointed by the court who has court imposed limitations placed on his/her use of the funds which meet the requirements of this paragraph;

(iii) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under

the control, direction, or influence of a household member.

(8) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and

(10) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Pub. L. 91-646, section 216).

#### § 1611.7 Manner of determining eligibility.

(a) A recipient shall adopt a simple form and procedure to obtain information to determine eligibility in a manner that promotes the development of trust between attorney and client. The form and procedure adopted shall be subject to approval by the Corporation, and the information obtained shall be preserved, in a manner that protects the identity of the client, for audit by the Corporation.

(b) If there is substantial reason to doubt the accuracy of the information, a recipient shall make appropriate inquiry to verify it, in a manner consistent with an attorney-client relationship.

(c) Information furnished to a recipient by a client to establish financial eligibility shall not be disclosed to any person who is not employed by the recipient in a manner that permits identification of the client, without express written consent of the client, except that the recipient shall provide such information to the Corporation when:

(1) The Corporation is investigating allegations that question the financial eligibility of a previously identified client and the recipient's representation thereof;

(2) The information sought by the Corporation relates solely to the financial eligibility of that particular client;

(3) The information sought by the Corporation is necessary to confirm or deny specific allegations relating to that particular client's financial eligibility and the recipient's representation thereof; and

(4) The specific information sought by the Corporation is not protected by the attorney-client privilege.

The information provided to the Corporation by the recipient shall not be disclosed to any person who is not employed by the Corporation. Prior to providing the information to the Corporation, the recipient shall notify the client that the recipient is required to provide to the Corporation the information sought.

**§ 1611.8 Retainer agreement.**

(a) A recipient shall execute a written retainer agreement, in a form approved by the Corporation, with each client who receives legal services from the recipient. The retainer agreement shall be executed when representation commences, and shall clearly identify the relationship between the client and the recipient, the matter in which representation is sought, the nature of the legal services to be provided, and the rights and responsibilities of the client. The recipient shall retain the executed retainer agreement as part of the client's file, and shall make the agreement available for review by the Corporation in a manner which protects the identity of the client.

(b) A recipient is not required to execute a written retainer agreement when the only service to be provided is brief advice and consultation.

**§ 1611.9 Change in circumstances.**

If an eligible client becomes ineligible through a change in circumstances, a recipient shall discontinue representation if the change in circumstances is sufficiently likely to continue for the client to afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

Dated: August 25, 1983.

Donald P. Bogard,  
President.

[FR Doc. 83-23779 Filed 8-29-83; 8:45 am]

BILLING CODE 8320-36-M

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**FEDERAL COMMUNICATIONS  
COMMISSION**
**47 CFR Ch. I**

[Gen. Docket No. 83-841; FCC 83-83-373]

**Integrated Services Digital Networks;  
Inquiry****Correction**

In FR Doc. 83-22592 beginning on page 37464 in the issue of Thursday, August 18, 1983, make the following corrections.

1. On page 37464, second column, the replies comment date now reading "September 2, 1983" should read "October 18, 1983".

2. On page 37471, second column, paragraph numbered 58, "September 2, 1983" should read "October 18, 1983".

BILLING CODE 1505-01-M

**47 CFR Part 90**

[PR Docket No. 83-737]

**Frequency Coordination in the Private  
Land Mobile Radio Services;  
Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of Inquiry; Correction.

**SUMMARY:** This document corrects the Appendix of the Notice of Inquiry of PR Docket 83-737, 48 FR 35149 concerning frequency coordination in the private land mobile radio services by replacing an incorrect rule, § 90.175(a)(1).

**ADDRESS:** Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20544.

**FOR FURTHER INFORMATION CONTACT:** Eugene Thomson, Private Radio Bureau, (202) 634-2443.

**Erratum**

In the matter of frequency coordination in the private land mobile radio services, PR Docket No. 83-737.

Released: August 19, 1983.

On July 25, 1983, the Commission released a Notice of Inquiry (FCC **Federal Register** on August 3, 1983, 48 FR 35149. This erratum makes a correction in the Appendix of that item.

**PART 90—[CORRECTED]**

1. In Appendix A, replace § 90.175(a)(1) in its entirety with the following:

**§ 90.174 Frequency coordination requirements.**

(a) For frequencies below 470 MHz:  
(1) A report based on a field study indicating the degree of probable interference to all existing co-channel stations within 120 km. (75 mi.) of the proposed stations, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply. In addition, for frequencies in the range 150-170 MHz, a report based on a field study indicating the degree of probable interference to existing stations located between 16 and 56 km. (10 and 35 mi.) (12 and 56 km. for taxicabs) from the proposed station, operating on a frequency 15 kHz removed, and a statement that the licensees of such stations have been notified of the applicant's intention to apply. In situations in which adjacent channel licensees in the 150-170 MHz band consent to spacing less than 16 km (12 km in the Taxicab Radio Service) it is unnecessary to submit with the

application a report based on a field study indicating the degree of probable interference to existing stations.

\* \* \* \* \*  
Federal Communications Commission,  
William J. Tricarico,  
Secretary.

[FR Doc. 83-23611 Filed 8-29-83; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife  
and Plants; Proposed Endangered  
Status and Critical Habitat for the  
Amargosa Vole**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine Endangered status and Critical Habitat for the Amargosa vole, a small mammal. This vole has been eliminated from portions of its range as a result of human encroachment and the burning and overgrazing of its habitat. It became so rare that it was once thought extinct, and is now known only from bulrush marshes near Tecopa and Tecopa Hot Springs in southeastern Inyo County, California. This proposal, if made final, would implement the protection provided by the Endangered Species Act of 1973, as amended, for the Amargosa vole. The Service seeks relevant data and comments from the public.

**DATES:** Comments from the public and the State of California must be received by October 28, 1983.

Public hearing requests must be received by October 13, 1983.

**ADDRESSES:** Interested persons or organizations are requested to submit comments to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1602, 500 Northeast Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment during normal business hours, in the Service's Endangered Species Office at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sanford R. Wilbur at the above address (503/231-8131 or FTS 429-8131).

**SUPPLEMENTARY INFORMATION:****Background**

The Amargosa vole (*Microtus californicus scirpensis*) was first