of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion of the sample into an appropriate-sized volumetric flask and dilute to volume with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 10.0 micrograms of amikacin per milliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 25 milligrams of amikacin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

Because the conditions prerequisite to providing for certification of this drug have been complied with and the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date: These amendments shall be effective November 9, 1976.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: November 1, 1976.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.76-32718 Filed 11-8-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lasalocid Sodium, Roxarsone

The Food and Drug Administration approves a new animal drug application (102-485V) filed by Hoffmann-La Roche, Inc., Nutley, NJ 07110, proposing safe and effective use of lasalocid sodium with roxarsone in the manufacture of a complete feed for broiler or fryer chickens. The approval is effective November 9, 1976.

The Commissioner is amending Part 558 (21 CFR Part 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended in § 558.311 by revising paragraph (e) to read as follows:

§ 558.311 **Lasalocid sodium.**

* * * * *

(e) *Conditions of use.* It is used in feed for broiler or fryer chickens as follows:

(1) *Amount per ton.* 68 grams (0.0075 percent).

(i) *Indications for use.* For the prevention of coccidiosis caused by Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati, and E. maxima.

(ii) *Limitations.* For broiler or fryer chickens only; feed continuously as the sole ration; withdraw 5 days before slaughter.

(2) *Amount per ton.* Lasalocid sodium, 68 grams (0.0075 percent) plus Roxarsone, 45.4 grams (0.005 percent).

(i) *Indications for use.* For the prevention of coccidiosis caused by Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati, and E. maxima and as an aid in the reduction of oocysts and lesions due to E. tenella.

(ii) *Limitations.* Feed continuously as the sole ration; as sole source of organic arsenic; withdraw 5 days before slaughter. Roxarsone provided by No. 017210 in § 510.600(c) of this chapter.

Effective date: This regulation shall be effective November 9, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: November 1, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-32716 Filed 11-8-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Subpart G—Reimbursement for Employment of Public Employees On Federal-Aid Projects

The three technical amendments set forth below are made to 23 CFR Part 140, Subpart G:

(1) In the second line of 23 CFR 140.703 the word "directive" is deleted and the word "subpart" is substituted therefor.

(2) The period at the end of 23 CFR 140.704(a) is deleted and the following is added at the end of that subsection: "as defined in § 140.703 of this subpart."

(3) The words "paragraph 4a." at the end of 23 CFR 140.704(b) are deleted and the words "§ 140.704(a) of this subpart." are substituted therefor.

Issued on November 2, 1976.

DOWELL H. ANDERS,
Acting Chief Counsel.

[FR Doc.76-32820 Filed 11-8-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-387]

PART 881—HOUSING ASSISTANCE PAYMENTS PROGRAM-SUBSTANTIAL REHABILITATION

Interim Rule

On February 5, 1976, a Statement of Principles and Objectives for Housing Rehabilitation was signed by members of seven construction trade unions and the National Housing Rehabilitation Association. The Statement indicated a willingness to enter into special labor-management agreements incorporating differential terms and conditions for rehabilitation of residential housing in selected urban areas. The Statement also included a "Prototype Agreement for Rehabilitation Standards Between Local Employers and Local Union Organizations." HUD has determined to establish a Demonstration Program to test the effect of special local labor-management agreements based upon the above Statement and Prototype Agreement on Section 8 substantial rehabilitation projects.

To implement the program, HUD is publishing a Notice in the FEDERAL REGISTER (FR Doc. 76-32992, elsewhere in this issue) and interim regulations to amend Title 24 of the Code of Federal Regulations by adding to Part 881 a new Subpart D under the heading "Section 8 Housing Assistance Payments Program-Demonstration Rehabilitation Program." This program will be subject to all of the provisions of Subparts A and B of Part 881 and Subparts A, B, and C of Part 883 to the extent stated in § 881.407 of the new Subpart D.

The major features of this Demonstration Program are as follows:

1. Applications for participation in the program will be invited from localities with HAP needs and goals for substantial rehabilitation, and in which a special labor-management agreement to establish differential terms and conditions for rehabilitation projects has been or will be placed into effect.

2. Localities will be selected on the basis of certain criteria and preferences set forth in the regulations.

3. Rehabilitation developers will be invited by HUD Field Offices having jurisdiction over selected localities to submit requests for pre-qualification for eligibility for participation in the program. Pre-qualification will be for a designated number of units and will not be limited to rehabilitation developers who are signatories to the special labor-management agreement or who utilize organized employees, contractors or subcontractors.

4. Pre-qualified rehabilitation developers will be invited to submit proposals for rehabilitation in the target neighborhoods in accordance with the provisions of the Substantial Rehabilitation regulations.

The Department has determined that the public interest would be served by immediate implementation of the Demonstration Program. Therefore, the regulations are effective upon publication, on an interim basis. Written comments and suggestions will be be received until November 24, 1976. HUD will make such modifications as it deems appropriate in the final rule. Comments should refer to docket number and date and be submitted to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A Finding of Inapplicability of Inflation Impact Statement requirements has also been made in accordance with HUD procedures. A copy of these findings wil be available for public inspection during regular business hours at the above address.

Accordingly, Title 24 is amended by adding a new Part 881, Subpart D, Demonstration Rehabilitation Program, to read as follows:

Subpart D—Demonstration Rehabilitation Program

Sec.

881.401 Applicability and scope.
881.402 Criteria for eligibility and preferences for selection.
881.403 Contents and submission of applications.
881.404 HUD review and selection of applications.
881.405 Prequalification of developers.
881.406 Review and approval of requests for prequalification.
881.407 Other provisions of Part 881.

Subpart D—Demonstration Rehabilitation Program

§ 881.401 Applicability and scope.

(a) This subpart sets forth the policies and procedures governing a demonstration program for substantial rehabilitation which will utilize supplemental allocations of contract authority to localities, selected in accordance with § 881.404, in which construction trade unions and developers have executed within a specified time a negotiated labor-management agreement incorporating differential terms and conditions for rehabilitation designed to stimulate additional substantial rehabilitation and reduce the cost of rehabilitation, which agreement should result in a special Davis-Bacon Act determination by the U.S. Department of Labor to apply to all substantial rehabilitation in the locality which is subject to the provisions of such Act.

(b) The Secretary, after considering all the pertinent factors under section 213(d) of the Housing and Community Development Act of 1974 (42 USC 5301), including such adjustments as may be necessary to assist in carrying out activities designed to meet lower income housing needs as described in approved housing assistance plans (HAPs), will determine the amount of housing assistance to be used in accordance with this subpart.

(c) The number of additional units for which assistance will be provided pursuant to any application selected in accordance with § 881.404 shall not exceed the number of units otherwise scheduled by HUD and/or a Housing Finance and Development Agency for development under Subpart B of this Part, 24 CFR Part 883, or other Federal, State or local assisted housing rehabilitation programs. This restriction may be waived by HUD if the request for additional units exceeds the total amount of Section 8 funds available to the locality for new construction and substantial rehabilitation in the same fiscal year and HUD determines that the purposes of the demonstration program will be served by providing bonus units in excess of the locality's total new construction/substantial rehabilitation fair share allocation.

(d) HUD shall announce through a notice in the FEDERAL REGISTER: (1) the amount of housing assistance to be made available for the demonstration program during any fiscal year; (2) any additional or special criteria which may be established for this demonstration program; and (3) the closing date and address for submission of applications from localities to participate in the demonstration program.

(e) In order to be selected for the demonstration program, a locality must submit an application in accordance with § 881.403 and be selected in accordance with § 881.404.

§ 881.402 Criteria for eligibility and preferences for selection.

(a) In addition to any special criteria or preferences included in the Notice published pursuant to § 881.401(d), an application shall include evidence that the construction trade unions and rehabilitation developers in the locality have executed, or are willing to execute by the deadline date stated in the Notice, a negotiated labor-management agreement based upon the Statement of Principles and Objectives for Housing Rehabilitation and the Prototype Agreement, which will substantially reduce the cost of rehabilitation. Where such agreement has not been executed, the application shall include a copy of the proposed agreement, if any, or a statement as to the principal elements of the agreement to be negotiated, including revisions in wage rates, classifications, and/or work practices and a statement of the estimated cost savings to be achieved. Preference will be given to applications which contain an executed agreement or evidence that negotiations are substantially complete and to applications which contain or propose agreements which have the greatest potential for reducing the overall cost and promoting the economy of rehabilitation.

(b) An application shall include evidence that the number of units for which housing assistance is requested under this demonstration program plus the number of units to be assisted under other substantial rehabilitation programs included in the approved HAP for the locality does not exceed the annual housing assistance goal included in the HAP; Provided, however, that, so long as the housing assistance needs are not exceeded, the locality may provide evidence that an amendment to the HAP has been initiated to increase the annual goals for substantial rehabilitation or the chief executive officer may provide a written statement as set forth in the second sentence of 24 CFR 891.204(a)(2).

(c) An application shall identify a target neighborhood(s) for the use of the demonstration program and indicate that (1) such neighborhood(s) is within the general locations specified for assisted housing in the approved HAP for the locality or is otherwise acceptable to the unit of general local government, (2) the number of units in the target neighborhood(s) which are suitable for rehabilitation under this subpart and which meet the site and neighborhood standards set forth in § 881.112 equals or exceeds the number of units for which assistance under this subpart is requested, and (3) the number of additional units in either the target neighborhood(s) or within the general locations specified for assisted housing in the approved HAP or in locations otherwise acceptable to the unit of general local government which are suitable for rehabilitation and which meet the site and neighborhood standards set forth in § 88.112 equals or exceeds the number of units scheduled for rehabilitation by HUD or an HFDA with Section 8 assistance other than under this subpart. Preference will be given to applications which evidence that the housing assistance requested under this subpart, plus other housing assistance which may be made available and such services or support as may be indicated pursuant to paragraph (d) of this section, will result in revitalization and improved long-term viability of the target neighborhood(s).

(d) The application shall identify the household types for which assistance is requested under this subpart and demonstrate that such assistance is consistent with the provisions of 24 CFR 570.303(c)(3)(iv).

(e) An application shall identify services or support, including the commitment of Community Development Block Grant funds, which are or will be provided to the target neighborhood(s) and a schedule for provision of such services or support. Support provided may include such items as the provision of site improvements, improved public services or facilities and/or assistance in the development or financing of the rehabilitation activities in the target neighborhood(s). Preference will be given to those applications which provide greater services and support to the target neighborhood(s) by the estimated completion date of the rehabilitation.

(f) An application shall identify any State Housing Finance and Development Agencies capable of financing Section 8 Substantial Rehabilitation projects in

the locality. Among applications which identify such agencies, preference will be given to applications which include a written commitment from the agency to finance a specified number of rehabilitation units in the target neighborhood(s).

§ 881.403 Contents and submission of applications.

(a) Each application for participation in the demonstration program shall consist of (1) A letter of transmittal, signed by the chief executive officer of the unit of general local government submitting the application; (2) A statement of the number of units requested by type (detached, semi-detached/row, walk-up, elevator) and the average size (number of bedrooms) for each type; (3) A narrative statement evidencing compliance with each of the criteria listed in § 881.402 and the requirements in § 881.401(c); (4) A narrative statement, as appropriate, evidencing entitlement to any of the preferences listed in § 881.402; (5) Supporting maps, including a map showing the location of the target neighborhood(s) and indicating the location and number of units of assisted housing already in existence in the target neighborhood(s) and adjacent area, and other material as appropriate; (6) An index of all materials submitted with the application.

(b) Each application shall be submitted in the number of copies and to the address required in the Notice published pursuant to § 881.401(d) and, simultaneously, to the HUD field office(s) with jurisdiction over the locality submitting the application.

§ 881.404 HUD review and selection of applications.

(a) The applications shall be reviewed for compliance with the criteria and preferences in § 881.402. Field Office Directors and Regional Administrators shall be consulted in this evaluation.

(b) On the basis of the review conducted in accordance with paragraph (a) of this section and within the limitations contained in § 881.401, the Assistant Secretary for Housing shall determine which applications shall be approved and the amount of additional contract authority to be granted to each locality under this demonstration program.

(c) In the event that applications submitted exceed the contract authority made available for the demonstration program, priority shall be given to those applications which best meet the preference criteria set forth in § 881.402.

(d) The amount of contract authority for each of the selected localities shall be determined by the Assistant Secretary for Housing after considering the following factors:

(1) The number of approved applications and amounts requested therein.

(2) The amount of contract authority available for the demonstration program.

(3) The overall quality of each application with respect to each of the criteria and preferences in § 881.402.

(e)(1) After the total amount of contract authority for each of the selected localities has been determined, the localities shall be notified of their selection or rejection. Selected localities shall also be advised of the contract authority which is to be made available to them under the demonstration program and the approximate number of units this contract authority is expected to assist.

(2) If the negotiated labor-management agreement referenced in § 881.401(a) has not yet been executed, the selected locality shall also be advised that failure of the construction trade unions and developers to execute such agreement by the date specified in the Notice published pursuant to § 881.401(d) may result in withdrawal of approval of the locality for participation in the demonstration program. Similarly, HUD will withdraw approval of localities where the cost-savings indicated in applications and relied upon by HUD in selecting the locality under this section will not be achieved because of differences between the labor-management agreement as described in the application and the agreement as executed.

(f) Simultaneously with issuance of notifications to the selected localities, the appropriate allocations will be distributed by the Assistant Secretary for Housing to those Field Office Directors with jurisdictions over the selected localities.

(g) If the HFDA commitment referenced in § 881.402(f) has been made, the allocation made pursuant to § 881.404(f) may include a set-aside of units and corresponding contract authority for the HFDA. The HFDA shall follow the procedures set forth in Part 883, except that the project sites must be within the target neighborhood(s) designated by the locality and the time schedule established for the demonstration program must be met.

§ 881.405 Prequalification of developers.

(a) All rehabilitation developers including PHA's who desire to participate in the demonstration program must be prequalified by the appropriate field office. Participation shall not be limited to signatories to the agreement referenced in § 881.401(a).

(b) Within 5 working days of receipt of contract authority allocated for use under the demonstration program, the field office shall publish a notice in a newspaper(s) of general circulation which will invite rehabiliation developers to submit requests for prequalification to the field office for participation in the demonstration program. As promptly as possible, the field office shall also notify minority media, business concerns included in HUD's registry of Section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups.

The notice shall state:

(1) The amount of contract authority available for the demonstration program and the approximate number of units expected to be assisted;

(2) That prequalification is a prerequisite to submission of proposals for substantial rehabilitation under the demonstration program;

(3) That up to a specified deadline date (generally not to exceed 20 days from the date of publication of the Notice) and time the field office will accept requests for prequalification; and

(4) That the request must include:

(i) A statement of the previous participation in HUD programs of the rehabilitation developer, and of the contractor and architect, if known, and other identified participants in development, on the prescribed HUD form (which can be obtained from the field office);

(ii) A statement of the qualifications and experience in rehabilitation of the rehabilitation developer, and of the contractor and architect, if known, and other identified participants in development, including the number of units rehabilitated in each of the last 5 years.

(iii) The number of units for which the rehabilitation developer desires to be prequalified, and the financing method anticipated to be used; if HFDA financing is anticipated, evidence of interest by the appropriate HFDA shall be included; and

(iv) Any additional information which the rehabilitation developer considers would assist the field office in assessing the qualifications and experience of the developer, rehabilitator, and other identified participants in development.

(c) Applications for prequalification which are received after the deadline date and time shall be returned without review unless notification of an extension of the deadline is published.

§ 881.406 Review and approval of requests for prequalification.

(a) Upon receipt of a request for prequalification, the field office shall evaluate the past experience of the rehabilitation developer, contractor and architect, if known, and any other identified participants in development to determine whether the developer has adequate capacity to complete rehabilitation of the number of units for which pre-qualification was requested under the demonstration program within the time constraints (see § 881.407) and that the developer is otherwise qualified for approval for participation in federally-assisted projects. In those cases where the HFDA commitment referenced in § 881.402(f) has been made, the field office shall obtain recommendations, if any, from the appropriate HFDA.

(b) Based on the evaluation, the field office shall determine the maximum number of units for which the rehabilitation developer shall be prequalified. This number may be less than but shall not exceed the number of units for which pre-qualification was requested.

(c) When review and evaluation of all requests for pre-qualification have been completed, all rehabilitation developers who have been determined acceptable shall be so notified simultaneously. Rehabilitation developers who have not been determined acceptable shall be notified at the same time. Where the request

indicates that HFDA financing is anticipated, a copy of the notification of pre-qualification shall be sent to the appropriate HFDA. Each notification shall state:

(1) The number of units for which the rehabilitation developer has been pre-qualified;

(2) That the pre-qualification is subject to final clearance of previous participation documentation;

(3) That Preliminary Proposals must be received within 35 days of notification of pre-qualification and may not exceed the number of units for which pre-qualification is being granted.

(d) The field office shall prepare and include with the notification in paragraph (c) of this section, a Rehabilitation Program Packet, prepared in accordance with § 881.204 and appropriately modified.

§ 881.407 Other provisions of Part 881.

All Preliminary Proposals received under this subpart shall be subject to all the provisions of Subpart A of this Part and the provisions of Subpart B, starting with § 881.205, or as appropriate, the applicable provisions of Subpart A and all the provisions of Subparts B and C of 24 CFR Part 883; Provided, however, that a maximum of 120 days will be permitted between submission of Preliminary Proposal and Final Proposal approval. Failure to meet this schedule may result in rejection of a proposal, selection of an alternate proposal, or recapture of contract authority made available under the demonstration program.

(Sec. 7(d)), Department of HUD Act, (42 U.S.C. 3535(d)); Sec. 5(b) of the United States Housing Act of 1937, (42 U.S.C. 1437c (b)); Sec. 8 of the United States Housing Act of 1937, (42 U.S.C. 1437f).

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective date. These amendments are effective on November 9, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.76-32993 Filed 11-8-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

[Circular No. 2410]

PART 2650—ALASKA NATIVE SELECTIONS

This final rulemaking makes a technical change in the requirement for publication of notices required in connection with miscellaneous selections made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601). The existing regulations require that the notices be published by the Department of the Interior. This amendment, while not changing the requirement that the notices be published, would simplify the process by making a bureau of the Department responsible for carrying out actions required on filed applications to publish the notices. This technical change will also speed action on the pending applications.

Since these technical changes involve only the internal operations of the Department and have no effect on the public, there is no need to publish them as proposed rules requiring public comment. Therefore, 43 CFR Part 2650 is amended as set forth below:

§ 2653.5 [Amended]

(1) Paragraph (h) of § 2653.5 is amended by deleting the word "Department" and by substituting in lieu thereof the words "Bureau of Land Management."

§ 2653.6 [Amended]

(2) Paragraph (a)(3) of § 2653.6 is amended by deleting the word "Department" and by substituting in lieu thereof the words "Bureau of Indian Affairs."

§ 2653.9 [Amended]

(3) Paragraph (d) of § 2653.9 is amended by deleting the word "Department" and by substituting in lieu thereof the words "Bureau of Land Management."

This amendment becomes effective as November 10, 1976.

Signed on November 3, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.76-32896 Filed 11-8-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-124]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to Assistant Secretary for Administration

The purpose of this amendment is to formalize the delegation to the Assistant Secretary for Administration of authority to issue regulations establishing, amending, or revoking Department of Transportation Procurement Regulations (41 CFR Chapter 12), subject to the Secretarial reservation of authority over contract appeal regulations (49 CFR 1.44 (g)).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 1.59 of Part 1 of title 49, Code of Federal Regulations, is amended by adding a new paragraph (a)(4) to read as follows:

§ 1.59 Delegations to Assistant Secretary for Administration.

* * * * *

(a) *Procurement.*

* * * * *

(4) Issue regulations establishing, amending, or revoking Department of Transportation Procurement Regulations (41 CFR Chapter 12), subject to § 1.44(g) of this title.

Effective date: This amendment is effective November 2, 1976.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on November 2, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-32892 Filed 11-8-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Carleton Pond Waterfowl Production Area, Maine

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuge areas.

MAINE

CARLETON POND WATERFOWL PRODUCTION AREA

Entry by foot is permitted for the purpose of sightseeing, nature observation, photography, and hiking during daylight hours.

The area, comprising approximately 1,068 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

Dated: November 2, 1976.

HOWARD N. LARSON,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.76-32812 Filed 11-8-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Iroquois National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulation concerning access, use and recreation for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle is permitted on designated travel routes, for the purpose of nature study, photography, hiking and sight-seeing during day-

light hours. Pets are permitted, if on a leash not over 10 feet in length.

The refuge area, comprising 10,818 acres, is delineated on maps available from the Refuge Manager, Iroquois National Wildlife Refuge, RFD No. 1, Basom, New York 14013 and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

Dated: November 2, 1976.

HOWARD N. LARSON,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-32814 Filed 11-8-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Moosehorn National Wildlife Refuge, Maine

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length.

The use of snowmobiles is permitted on the Baring and Edmunds Units subject to the following special conditions:

(1) Use is restricted to the periods January 1, 1977 through April 15, 1977 and from December 1, 1977 through December 31, 1977.

(2) Use shall be in accordance with all applicable State laws and regulations governing snowmobiles.

(3) Use is permitted 24 hours a day and is limited to designated roads.

The refuge area, comprising 22,666 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

Dated: November 2, 1976.

HOWARD N. LARSON,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-32813 Filed 11-8-76;8:45 am]

PART 26—PUBLIC ENTRY

Salt Plains National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on November 9, 1976.

§ 26.34 Special regulations; public access, use and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established on the Salt Plains National Wildlife Refuge, Oklahoma, immediately inside the exterior refuge boundary at certain locations as designated by signs. These retrieving zones are delineated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

A hunter may enter these retrieving zones to retrieve dead or crippled waterfowl which he has legally killed or crippled by hunting outside the refuge boundary but which has fallen inside the exterior boundary of the refuge and within the designated retrieving zones.

The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through January 8, 1977.

Dated: November 1, 1976.

JERRY L. STEGMAN,
Deputy Regional Director,
Albuquerque, New Mexico.

[FR Doc.76-32821 Filed 11-8-76;8:45 am]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vermont

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vermont. The refuge is delineated on a map available at Refuge Headquarters, Swanton, Vermont and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Sport fishing shall be in accordance with all applicable state regulations, subject to the following special conditions:

(1) Taking of fish by use of firearms is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

Dated: November 2, 1976.

HOWARD N. LARSON,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-32815 Filed 11-8-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 215—PRIBILOF ISLANDS

Revision of Regulations

On August 30, 1976, notice was published in the FEDERAL REGISTER (41 FR 36507) of proposed rulemaking under the Fur Seal Act of 1966 (16 U.S.C. 1151–1187), to review 50 CFR Part 215, which implements certain provisions of the Act.

The proposed revision of Part 215 provided for three subparts. Subpart A sets forth the purpose of the regulations, several definitions, and the penalties for violating the Act and regulations. Subpart B sets forth the procedures for authorizing the possession and transportation of fur seals for purposes of education or exhibition and the means by which fur seals may be acquired for this purpose. Subpart C provides for the administration of the Pribilof Islands. Interested parties were given the opportunity to submit, not later than September 29, 1976, comments or views regarding the proposed regulations.

No unfavorable comments have been received regarding the proposed revision of 50 CFR Part 215. It has been suggested that the definition "public display" which appears in § 215.2 be more precisely defined, relative to the display of living fur seals. This suggestion has been adopted, by altering the heading of Subpart B to refer to the public display of living fur seals.

Additionally, the term "or importation" has been deleted from § 215.13(a), since importation of fur seals is not within the scope of these regulations. Accordingly, 50 CFR Part 215 is revised as set forth below.

Effective date: These regulations shall be effective on December 7, 1976.

Dated: November 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Subpart A—General

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AUTHORITY: Pub. L. 89–702, 80 Stat. 1091 (16 U.S.C. 1151–1187); Reorganization Plan No. 4 of 1970, 84 Stat. 2090.

Subpart A—General

§ 215.1 Purpose and scope.

The purpose of these regulations is to implement the provisions of the Fur Seal Act of 1966. The provisions of these regulations apply to the administration of the Pribilof Islands, the take of fur seals, and the procedures for issuing, amending or rescinding display permits for fur seals.

§ 215.2 Definitions.

In addition to definitions contained in the Act, and unless the context otherwise requires, in this Part 215:

(a) Act means the Fur Seal Act of 1966, 80 Stat. 1091, 16 U.S.C. 1151–1187, Pub. L. 89–702.

(b) Convention means the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended by the Protocol signed at Washington on October 8, 1963, and as extended by Agreement of September 3, 1969. T.I.A.S. 3948, 5558, 6774; 8 U.S.T. 2283; 15 U.S.T. 316; 20 U.S.T. 2992.

(c) Director means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) Fur seal means Northern fur seal scientifically known as *Callorhinus ursinus*.

(e) Public display means, with respect to fur seals, display, whether or not for profit, for the purposes of education or exhibition.

§ 215.3 Penalties.

Any person who violates the provisions of Title I of the Act which relate to the protection of fur seals, or regulations thereunder as set forth in Subpart B of this part, shall be fined not more than $2000 or be imprisoned not more than one year, or both. Any person who violates or fails to comply with the regulations relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon, as set forth in Subpart C of this part, shall be fined not more than $500 or be imprisoned not more than six months, or both.

Subpart B—Public Display of Living Fur Seals

§ 215.11 Taking of fur seals for public display.

(a) Fur seals will be made available for public display only to holders of public display permits issued pursuant to § 215.13. All takings of fur seals will be by personnel of the National Marine Fisheries Service. The fur seals will thereafter be made available to a permit holder at a place and under such conditions as determined by the Director.

(b) A fee of $600 per animal will be charged for the services provided by the National Marine Fisheries Service in capturing, caring for and holding animals taken for public display, which shall include the fee for permit issuance. The fee is based upon a reasonable approximation of the costs involved in labor, supervision, administration, and overhead. The Director may change the amount of the fee at any time he determines that a different fee is reasonable. A change in fee may be accomplished by publication in the FEDERAL REGISTER of the new amount, without the necessity of amending these regulations.

§ 215.12 Public display permits.

(a) The Director may issue permits authorizing the possession and transportation of fur seals for public display. Any person desiring to obtain such a permit may make application to the Director. The sufficiency of the application shall be determined by the Director and, in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The information requested will be used as the basis for determining whether an application is complete and whether a public display permit should be issued. An original and two copies of the complete application shall be submitted to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Assistance in preparing the application may be obtained by writing the above address to the attention of the Marine Mammals and Endangered Species Division, or by calling the Marine Mammals and Endangered Species Division, in Washington, D.C. (a/c 202/634–7529). In preparing an application for a public display permit, provide the following information:

(1) *Title:* Application for Public Display Permit pursuant to the Fur Seal Act of 1966;

(2) List the date of the application;

(3) If the applicant is a partnership or a corporate entity, set forth the details. If the fur seal to be displayed is to be displayed by a party in addition to the applicant, set forth the name of the party and such other information as would be required if such party were an applicant.

(4) Provide a statement on the purpose of the proposed display, including a brief description of:

(i) The need for the fur seal(s);

(ii) How they will be used.

(5) Provide a description of each animal desired, including the age, sex, and size; and a list of the desired dates of delivery.

(6) Describe the manner of transportation of fur seals including:

(i) Mode of transportation;

(ii) Name of transportation company;

(iii) Length of time in transit for the transfer of the animals from the capture site to the display facility;

(iv) Length of time in transit for any future move or transfer of the animals that is planned;

(v) The qualifications of the common carrier or agent used for transportation of the animals;

(vi) A description of the pen, container, cage, cradle, or other devices used to hold the animal before and during transportation; and

(vii) Special care before and during transportation, such as salves, antibiotics and moisture.

(7) Describe the contemplated care and maintenance of any fur seal sought, including a complete description of the the facilities where such anmials will maintained or displayed, including:

(i) The dimensions of the pools or other holding facilities, and the number of animals by species to be held in each;

(ii) The water supply, amount, and quality;

(iii) The diet, amount and type for all animals;

(iv) Sanitation practices used;

(v) Qualifications and experience of the staff; and

(vi) A written certification from a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animal(s) and that in his opinion they are adequate to provide for the well-being of the animal(s).

(8) Provide a detailed description of the proposed display, including:

(i) A description of the manner, location and number of times per day and per week the animal(s) will be displayed;

(ii) An indication as to whether the display is for profit;

(iii) An estimate of numbers and types of people who it is estimated will benefit by such display;

(iv) A list of any educational or scientific programs connected to the contemplated display; and

(v) A description of the applicant's enterprise and its connections with any governmental, educational, medical, or other scientific entities.

(9) For the year preceding the date of this application, provide the following:

(i) A list of all marine mammals captured, transported or maintained for any purpose by or on behalf of the applicant;

(ii) The numbers of mortalities among such mammals, by species, by date and location of such mortalities;

(iii) The cause(s) of any such mortalities including when available copies of post-mortem reports; and

(iv) The steps which have been taken by the applicant to avoid or reduce such mortalities.

(10) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Fur Seal Act of 1966 and regulations promulgated thereunder, and that any false statement may subject me to the criminal panalties of 18 U.S.C. 1001.

(11) The applicant must sign the application.

(b) Upon receipt of an application for a public display permit, the Director shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals on the permit application. In order to comply with the time limits provided in these regulations, the Director shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Director shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Director may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Director may also consult with any other person, institution or agency concerning the application.

(c) Permits applied for under this section shall be issued, suspended, modified or revoked pursuant to § 215.13. In determining whether to issue a public display permit, the Director shall, among other criteria, consider whether the proposed taking will be consistent with the policies and purposes of the Act: whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of and the adequacy of his facilities.

(d) Permits applied for under this section shall contain terms and conditions as the Director may deem appropriate, including:

(1) The methods of transportation, care and maintenance to be used with live marine mammals;

(2) Any requirements for reports or rights of inspection with respect to any activities carried out pursuant to the permit;

(3) The transferability or assignability of the permit; and

(4) The sale or other disposition of the fur seal and its progeny.

§ 215.13 Procedures for the issuance, modification, suspension or revocation of permits.

(a) Whenever a complete application for a permit is received by the Director, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in the application. Any interested party may, within 30 days after the date of publication of the notice, submit to the Director his written data or views with respect to the taking proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If a request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the Director determines that a hearing would otherwise be advisable, the Director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section) the Director shall issue or deny issuance of the permit. Notice of the decision of the Director shall be published in the FEDERAL REGISTER within 10 days after the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension or revocation by the Director in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken and a summary of the reasons therefore;

(2) The steps, if any, which the permittee may take to demonstrate or achieve compliance with all lawful requirements;

(3) Shall advise the permittee that he is entitled to a hearing thereon, if a written request for such a hearing is received by the Director within 10 days after the date of receipt of the aforesaid notice or such other date as may be specified in the notice to the permittee. The time and place for the hearing, if requested by the permittee, shall be determined by the Director and written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of the hearing. The Director may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and others participating may submit all relevant material, comments and briefs at the hearing. A summary record shall be kept of the hearing.

(e) The Director shall make a determination regarding the proposed modification, suspension or revocation as soon as practicable after the close of the hearing or if no hearing is held as soon as practicable after the close of the 10-day period during which a hearing could have been requested. Notice of the Director's decision to modify, suspend or revoke shall be published in the FEDERAL REGISTER as soon as practicable.

(f) Any permittee shall have the opportunity to request modification of a permit. An application to modify a permit shall contain, to the extent relevant, the information requested in § 215.13. An application to modify a permit shall be processed in accordance with this section.

§ 215.14 Possession of permits.

(a) Any permit issued under these regulations must be in the possession of the permittee or his authorized representative who accompanies the transit of a fur seal for which the permit was issued.

(b) A duplicate copy of the permit must be physically attached to the container, package, enclosure, or other means of containment in which the fur seal is placed for the purpose of storage, transit, supervision or care.

Subpart C—Administration

§ 215.21 Visits to fur seal rookeries.

From June 1 to October 15 of each year, no person, except those authorized by a representative of the National Marine Fisheries Service, or accompanied by an authorized employee of the National Marine Fisheries Service, shall approach any fur seal rookery or hauling grounds nor pass beyond any posted sign forbidding passage.

§ 215.22 Dogs prohibited.

In order to prevent molestation of fur seal herds, the landing of any dogs at Pribilof Islands is prohibited.

§ 215.23 Importation of birds or mammals.

No mammals or birds, except household cats, canaries and parakeets, shall be imported to the Pribilof Islands without the permission of an authorized representative of the National Marine Fisheries Service.

§ 215.24 Reindeer and foxes.

(a) The reindeer herd on St. Paul Island is Government-owned. When it is determined that a surplus exists, hunting will be allowed to the extent of the surplus.

(b) Foxes may be hunted or trapped when prime during the months of December and January by holders of trapping licenses issued by the State of Alaska.

§ 215.25 Walrus and Otter Islands.

By Executive Order 1044, dated February 27, 1909, Walrus and Otter Islands were set aside as bird reservations. All persons are prohibited to land on these islands except those authorized by the appropriate representative of the National Marine Fisheries Service.

§ 215.26 Local regulations.

Local regulations will be published from time to time and will be brought to the attention of local residents and persons assigned to duty on the Islands by posting in public places and brought to the attention of tourists by personal notice.

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