

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-14; Opinion 770-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

National Rates for Jurisdictional Sales of Natural Gas; Opinion and Order on Rehearing; Correction

JANUARY 10, 1977.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975, to December 31, 1976 (Opinion No. 770-A), opinion and order on rehearing modifying in part Opinion No. 770 and granting petitions for intervention, issued November 5, 1976.

Opinion 770-A was published in the FEDERAL REGISTER, Vol. 41, No. 221, beginning at page 50199, on November 15, 1976. The following changes should be made in the document as published in the FEDERAL REGISTER.

1. The following should replace § 2.56a (a) (5), first column, on page 50231 of Opinion No. 770(A):

(5) Sales of natural gas in interstate commerce for resale may be made at a rate of 52 cents per Mcf (at 14.73 psia), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this § 2.56a, and the escalation provided in paragraph (a) (6), provided the sale is made pursuant to (i) a replacement contract where the sale was formerly made pursuant to a permanent certificate of unlimited duration under such prior contract which expired by its own term on or after January 1, 1973, or pursuant to a contract executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973; or (ii) contracts for sale of natural gas in interstate commerce for gas from wells commenced prior to January 1, 1973, and not previously sold in interstate commerce prior to January 1, 1973, except pursuant to the provisions of §§ 2.68, 2.70, 157.22 or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491 et al.); or (iii) a completion operation into a different formerly nonproductive reservoir commenced on or after January 1, 1973, in a well commenced (spudded) prior to January 1, 1973.

2. On page 50227, 9th paragraph of section I, Refund Requirements, 8th line, change "CFR 2.56a (a) (5)" to "CFR 2.56a (a) (3)," and add: "and are limited to 130% of the rates prescribed in 18 CFR 2.56a (a) (5)."

3. On page 50227, 8th and 9th paragraphs of Section I, Refund Requirements, third lines, delete: "(plus 1¢ per annum escalation)."

4. On page 50233, paragraph (C), lines 18 and 19 should read: "to pipeline increases filed pursuant thereto; provided further, the special rate increase may also include qualifying small producer increases. In addition, such pipeline may file a * * *."

The following changes refer to Commissioner Smith's statement, concurring in part and dissenting in part, which was issued with Opinion No. 770-A, but not published in the FEDERAL REGISTER.

1. On page 8, section B, first paragraph, at the beginning of the third line, delete the word "at".

2. On page 19, second paragraph, lines 15 and 16 should read: "from flowing gas to prospective incentive increments for new gas, the majority has increased the probability of * * *."

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-1283 Filed 1-13-77; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-76-407]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Correction

On January 4, 1977 (42 FR 762), the Department published a final Rule in the above-styled proceeding. However, the publication inadvertently omitted certain dates which this correction provides.

Accordingly, §§ 207.26a, 213.34a, 221.548a, and 231.10c of Title 24 are each corrected by including the date March 4, 1977 in the blank space appearing at lines 2-3 of the opening paragraph.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C., January 6, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for
Housing—Federal Housing
Commissioner.

[FR Doc. 77-1258 Filed 1-13-77; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7450]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Questions and Answers Relating to Exclusion of Certain Disability Income Payments; Correction

On Wednesday, December 29, 1976, Treasury Decision 7450 was published in the FEDERAL REGISTER (41 FR 56630). The following correction is made to this Treasury decision:

Immediately following the heading of § 7.105-1 that reads "Questions and answers relating to exclusions of certain disability income payments," (page 56630 first column), a new introductory paragraph should be added to read as follows:

"The following questions and answers relate to the exclusion of certain disability income payments under section 105 (d) of the Internal Revenue Code of 1954, as amended by section 505 (a) and (c) of the Tax Reform Act of 1976 (90 Stat. 1566):"

ROBERT A. BLEY,
Acting Director, Legisla-
tion and Regulations Division.

[FR Doc. 77-1312 Filed 1-13-77; 8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 609—THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 647 (41 FR 40254), the Secretary of Labor appointed and convened Industry Committee No. 138-A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 138-A are hereby published, revising § 609.2 of Part 609, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6 of the 1974 Fair Labor Standards Amendments are set forth in this wage order. The other wage rates have heretofore reached the mainland rate and are continued.

As amended § 609.2(a) reads as follows:

§ 609.2 Wage rates.

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is \$2.05 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. The effective date of this amendment is January 30, 1977.

Signed at Washington, D.C., on this 11th day of January, 1977.

RONALD J. JAMES,
Administrator, Wage and Hour
Division U.S. Department of
Labor.

[FR Doc.77-1291 Filed 1-13-77;8:45 am]

PART 672—THE BUSINESS, PROFESSIONAL, AND MISCELLANEOUS SERVICES INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 647 (41 FR 40254), the Secretary of Labor appointed and convened Industry Committee No. 138-B for the Business, Professional and Miscellaneous Services Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18,

the recommendations of Industry Committee No. 138-B are hereby published, revising § 672.2 of Part 672, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rate and are continued.

As amended § 672.2(a) (1) reads as follows:

§ 672.2 Wage rates.

(a) *Pre-1966 coverage classifications.*

(1) *Watching, protective and janitorial services classification.* (i) The minimum wage rate for this classification is \$2.15 an hour through January 31, 1977. On February 1, 1977, the wage rate in this section is increased to \$2.30 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. These amendments are effective on February 1, 1977.

Signed at Washington, D.C., on this 11th day of January, 1977.

RONALD JAMES,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

[FR Doc.77-1292 Filed 1-13-77;8:45 am]

PART 673—FOOD AND KINDRED PRODUCTS INDUSTRY IN PUERTO RICO
Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 135 for Food and Kindred Products Industry, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 135 are hereby published, revising §§ 673.1, 673.2(a) (5), (a) (6), (a) (7), and (a) (8) and 673.2(b) (5) and (b) (6) of Part 673, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rates and are continued.

As amended §§ 673.1 and 673.2 read as follows:

§ 673.1 Definition.

The canning, preserving (including freezing, drying, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, alcoholic and non-alcoholic beverages, the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, nuts, or edible field crops, and the gathering of wild plant or animal life; the production of raw sugar, cane juice, molasses, and refined sugar, and incidental by-products, and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck, vessel, or other vehicle performed by a producer of products of such producer: *Provided, however,* That the industry shall not include any product or activity included in the chemical, petroleum, and related products industry or any transportation activity covered by the wage order for the communications, utilities, and transportation industry, or any transportation activity in which the agricultural exemption contained in section 13(a) of the Act was applicable prior to February 1, 1967: and *provided, further,* That the industry shall not include sugar and other food manufacturing activities covered by the wage order for the government service industry.

The industry includes, but is not limited to, the manufacture or processing of meat products, poultry and poultry products, milk and dairy products, fish and seafood products, fruit and vegetable products, grains and grain products, sugar and confectionery products, fats and oils, bakery products, beverages, and miscellaneous food preparations and kindred products.

§ 673.2 Wage rates.

(a) *Pre-1966 coverage classifications.*

(5) *Milk processing and distribution classification.* (i) The minimum wage rate for this classification is \$2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(6) *Candy and gum products classification for pre-1961 coverage.* (i) The minimum wage rate for this classification is \$2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(7) *Candy and gum products classification for 1961 coverage.* (i) The minimum wage rate for this classification is \$2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(8) *Other products and activities classification.* (i) The minimum wage rate for this classification is \$2.23 an hour through April 30, 1977. The rate is increased to \$2.30 an hour on May 1, 1977, by reason of section 6(c) (2).

(b) 1966 coverage classifications.

(5) *Milk processing and distribution classification.* (i) The minimum wage rate for this classification is \$2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(6) *Candy and gum products classification.* (i) The minimum wage rate for this classification is \$2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c) (2)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. The effective date of these amendments is January 30, 1977.

Signed at Washington, D.C., this 11th day of January, 1977.

RONALD J. JAMES,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

[FR Doc. 77-1293 Filed 1-13-77; 8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[Docket No. S-102]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Ground-Fault Protection

Correction

In FR Doc. 76-37472 appearing at page 55696 in the issue for Tuesday, December 21, 1976 the following corrections should be made:

(1) On page 55697, first column, eighteenth line from the top, after the word "economic" insert "impact".

(2) On page 55699, middle column, delete the eighth line from the bottom and insert: "would actually be idled, instead of 10."

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

NATIONAL FOREST SYSTEM

Prohibitions

On October 15, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 45577) for the purpose of amending or revoking current regulations on prohibited acts related to the National Forest System, and to combine all such regulations in one part of the Code of Federal Regulations, establish a uniform system for adopting and posting rules, and clarify relevant delegations of authority.

Interested persons were given until November 29, 1976, to submit written data, views or objections. All comments received were given full and careful consideration in developing final regulations. The full text of such comments are on file and available for public inspection in Room 4017, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Most comments received concerned format, style of expression, grammatical preferences, and clarification. More substantive comments received and results of their consideration are summarized as follows:

Comment: The regulations are excessive and unduly harass the general public; permits for non-commercial purposes should not be required; the regulations should be modified to include only specific reference to specific real problems; Federal employees should be penalized for undue interference with members of the general public; proper posting should be mandatory; and a review board should be established to hear complaints by members of the public.

Response: The general tenor of the comments is at cross purposes with the basic reason for the regulations, i.e., the protection first of the public and the next of the lands within the National Forest System for the long-range benefit of the general public; further, that such lands are to be managed in accord with the Multiple Use-Sustained Yield, Resources Planning, National Environmental Policy, Wilderness, National Forest Management, and related Acts. A number of changes have been made to simplify these rules, and to make more specific reference to the specific real problems covered.

Comment: More specific details on prohibited acts should be contained in the Forest Service Manual, and present regulations should not be reissued.

Response: The policy of the Department to follow the rulemaking requirements of the Administrative Procedures Act requires that changes and additions be published in the FEDERAL REGISTER. Certain changes are necessary due to changing delegations of authority, and matters not covered by existing regulations.

Comment: Some prohibitions are in conflict with rights being exercised by persons engaged in authorized activities within the National Forest System, particularly livestock and timber operations.

Response: The matters cited as in potential conflict chiefly concern prohibitions which may be applied under Subpart B. Paragraph (e) of § 261.50 provides for exemptions which recognize most of these practices. The language in § 261.10 is revised to the extent practicable.

Comment: Posting of Subpart E Orders should include both placing a copy in the Offices of the District Ranger and Forest Supervisor and displaying the order so as to reasonably bring it to the attention of the public.

Response: Section 261.51 is revised to require this procedure.

Comment: Section 261.3 is not clear and contains factors which are too subjective.

Response: This section is revised to clarify its meaning and to reduce the possible need for subjective criteria.

Comment: Section 261.10 should include language to cover private personal property lawfully being used on National Forest System lands.

Response: The statutes under which these regulations are issued do not contain authority to cover such property.

Comment: Off-road vehicles should be prohibited except for scientific research, emergencies, or in designated areas with an approved EIS within the National Forest System until studies, which the Department should undertake, have been completed to determine the effect of noise on wildlife.

Response: In view of the limited evidence that noise may have an adverse effect, and the effect such a decision would have on an entire class of recreation users, it is decided not to incorporate this change which can be made later if determined to be warranted.

Comment: Requirements for motorcycle and snowmobile operators are not accurately reflected in § 261.14.

Response: This section, now § 261.13, is revised in accord with the suggestions made.

Comment: Possible prohibitions on forest development and scenic trails should include travel by skis, snowshoes or any other means, as additions to § 261.56.

Response: This section is rewritten as § 261.18 and § 261.55. This change covers the idea in the comment.

A separate rulemaking document, being published concurrently, makes the change in 7 CFR 2.60(b) (1) as proposed. A technical change has been made in 36 CFR 261.70 to reflect the revised delegations of authority. In a separate notice being published concurrently, the Chief, Forest Service, has delegated authority to issue § 261.70 regulations to each Regional Forester.

Other than reflected above, there are no changes of substance.

These actions were taken pursuant to the requirements of the Administrative Procedures Act (5 U.S.C. 553), adopted by this Department as a matter of policy on July 24, 1971 (36 FR 13804).

As a result of this process the following changes are made:

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

1. In § 212.7 paragraph (a) (2) is revised to read:

§ 212.7 Road system management.

(a) Traffic rules. * * *

(2) *Specific:* The following specific traffic rules shall apply unless otherwise expressly authorized in writing.

2. In § 212.7(a) (3) the last sentence reading: "Using vehicles upon a road during any period when the road is closed is prohibited" is revoked.

3. Section 212.7(a) (4) is revoked.

4. In § 212.7(b) (2) the last sentence reading: "Violation of the posted rules is prohibited" is revoked.

§ 212.8 [Amended]

5. The last sentence of § 212.8(a) is amended to read:

"Construction, reconstruction or maintenance of a road or highway requires written authorization."

§ 212.20 [Amended]

6. In § 212.20 paragraphs (c) (3), (c) (4) and (d) are revoked.

(Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551) and Sec. 295, 72 Stat. 907 (23 U.S.C. 205).)

PART 221—TIMBER

§ 221.26 [Amended]

In § 221.26(a) the last sentence reading: "The sale or exchange of timber or other forest products obtained under free use is prohibited" is revoked.

PART 231—GRAZING

§ 231.11 [Amended]

In § 231.11(d) the citation to 36 CFR 261.13 is amended to read "36 CFR 212.2."

PART 251—LAND USES

§ 251.25 [Revoked]

Section 251.25 is revoked.

Part 261 is revised and a new Part 262 is added to read as follows:

PART 261—PROHIBITIONS

Subpart A—General Prohibitions

Sec.	
261.1	Scope.
261.2	Definitions.
261.3	Interfering with forest officers is prohibited.
261.4	Disorderly conduct.
261.5	Fire.
261.6	Timber and other forest products.
261.7	Livestock.
261.8	Fish and wildlife.
261.9	Property.
261.10	Occupancy and use.
261.11	Sanitation.
261.12	Forest development roads and trails.
261.13	Use of vehicles off roads.

Sec.	
261.14	Developed recreation sites.
261.15	Admission, recreation use and special recreation permit fees.
261.16	National Forest wilderness.
261.17	Boundary Waters Canoe Area, Superior-National Forest.
261.18	Pacific Crest National Scenic Trail.
261.19	National Forest primitive areas.
261.20	Unauthorized use of "Smokey Bear" and "Woodsy Owl" symbol.

Subpart B—Prohibitions in Areas Designated by Order

261.50	Orders.
261.51	Posting.
261.52	Fire.
261.53	Special closures.
261.54	Forest development roads.
261.55	Forest development trails.
261.56	Use of vehicles off forest development roads.
261.57	National Forest wilderness.
261.58	Occupancy and use.

Subpart C—Prohibitions in Regions

261.70	Issuance of regulations.
261.71	Regulations applicable to Region 1, Northern Region, as defined in § 200.2. [Reserved]
261.72	Regulations applicable to Region 2, Rocky Mountain Region, as defined in § 200.2. [Reserved]
261.73	Regulations applicable to Region 3, Southwestern Region, as defined in § 200.2. [Reserved]
261.74	Regulations applicable to Region 4, Intermountain Region, as defined in § 200.2. [Reserved]
261.75	Regulations applicable to Region 5, California Region, as defined in § 200.2. [Reserved]
261.76	Regulations applicable to Region 6, Pacific Northwest Region, as defined in § 200.2. [Reserved]
261.77	Regulations applicable to Region 8, Southern Region, as defined in § 200.2. [Reserved]
261.78	Regulations applicable to Region 9, Eastern Region, as defined in § 200.2. [Reserved]
261.79	Regulations applicable to Region 10, Alaska Region, as defined in § 200.2. [Reserved]

AUTHORITY: 30 Stat. 35, as amended, (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011 (f)); 82 Stat. 916 (16 U.S.C. 1281(d)); 82 Stat. 922 (16 U.S.C. 1246(f)), unless otherwise noted.

Subpart A—General Prohibitions

§ 261.1 Scope.

The prohibitions in this part apply, except as otherwise provided, when:

(a) An act or omission occurs in the National Forest System or on a Forest development road or trail.

(b) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.

(c) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a Forest development road or trail.

§ 261.2 Definitions.

The following definitions apply to this part:

(a) "Campfire" means a fire, not within any building, mobile home or living accommodation mounted on a motor

vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. "Fire" includes campfire.

(b) "Camping" means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.

(c) "Camping equipment" means the personal property used in or suitable for camping, and includes any vehicle used for transport and all personal property in possession of a person camping.

(d) "Developed recreation site" means an area which has been improved or developed for recreation.

(e) "Forest development road" means a road wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in the Forest Development Road System Plan.

(f) "Forest development trail" means a trail wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in the Forest Development Trail System Plan.

(g) "Forest officer" means an employee of the Forest Service.

(h) "National Forest System" includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271-1287) or National Trails System Act (16 U.S.C. 1241-1249).

(i) "National Forest wilderness" means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

(j) "Person" means natural person, corporation, company, partnership, trust, firm, or association of persons.

(k) "Permission" means oral authorization by a forest officer.

(l) "Permit" means authorization in writing by a forest officer.

(m) "Primitive Areas" are those areas within the National Forest System classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964.

(n) "Publicly nude" means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.

(o) "State" means any State, the Commonwealth of Puerto Rico, and the District of Columbia.

(p) "State law" means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.

(q) "Stove fire" means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

(r) "Unauthorized livestock" means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro, by § 231.11(a)(2), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit.

§ 261.3 Interfering with forest officers prohibited.

Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited.

§ 261.4 Disorderly conduct.

The following are prohibited:

- (a) Engaging in fighting, or in threatening or abusive behavior.
- (b) Inciting or participating in a riot.
- (c) Making unreasonable noise.

§ 261.5 Fire.

The following are prohibited:

- (a) Carelessly or negligently throwing or placing any burning, glowing, or ignited substance, or any other substance or thing which may cause a fire, into any place where it might start a fire.
- (b) Firing any tracer bullet or incendiary ammunition.
- (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit.
- (d) Leaving a fire without completely extinguishing it.
- (e) Allowing a fire to escape from control.
- (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.

§ 261.6 Timber and other forest products.

The following are prohibited:

- (a) Cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or removing, any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.
- (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.
- (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.
- (d) Stamping, marking with paint, or otherwise identifying any tree or other

forest product in a manner similar to that employed by forest officers to mark or designate tree or any other forest product for cutting or removal.

(e) Loading, removing or hauling any timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.

(f) Selling or exchanging timber or other forest product obtained under free use pursuant to §§ 221.26, 221.27, or 221.28.

(g) Violating any timber export or substitution restriction in § 221.25.

§ 261.7 Livestock.

The following are prohibited:

- (a) Placing or allowing unauthorized livestock to enter or be in the National Forest System.
- (b) Not removing unauthorized livestock from the National Forest System when requested by a forest officer.
- (c) Failing to reclose any gate or other entry.
- (d) Molesting, injuring, removing or releasing any livestock impounded under § 262.2 while in the custody of the Forest Service or its authorized agents.
- (e) Removing or attempting to remove, converting to use, causing the death of, harassing or interfering with any wild, free-roaming horse or burro defined in § 231.11(a)(2), or selling or commercially processing any part or carcass thereof.

§ 261.8 Fish and wildlife.

The following are prohibited within the boundaries of a national game refuge or preserve or wildlife preserve in the National Forest System and are also prohibited in other parts of the National Forest System to the extent Federal or State law is violated:

- (a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.
- (b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.
- (c) Possessing equipment which could be used for hunting, fishing, or trapping.
- (d) Possessing a dog not on a leash or otherwise confined.

§ 261.9 Property.

The following are prohibited:

- (a) Mutilating, defacing, removing, disturbing, injuring or destroying any natural feature or any property of the United States.
- (b) Removing, destroying or damaging any plant that is classified as a threatened, endangered, rare or unique species.
- (c) Entering any building or structure owned or controlled by the United States when such building or structure is not open to the public.
- (d) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellent or with permission for other minor uses.
- (e) Digging in, excavating, disturbing, injuring, or destroying any archeologi-

cal, paleontological, or historic site, or removing, disturbing, injuring, or destroying an object in such a site.

§ 261.10 Occupancy and use.

The following are prohibited:

- (a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement without a permit.
- (b) Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulation.
- (c) Selling or offering for sale any merchandise unless authorized by Federal law, regulation or permit.
- (d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property:
 - (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or
 - (2) across or on a Forest Development road or a body of water adjacent thereto whereby any person or property is exposed to injury or damage as a result of such discharge.
- (e) Abandoning a vehicle, animal, or personal property.
- (f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.
- (g) Posting, placing, or erecting any paper, notice, advertising material, sign, or similar matter without a permit.
- (h) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.
- (i) Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a permit.
- (j) Conducting, demonstrating, or participating in a public meeting, assembly, or special event, except as authorized by permit.

§ 261.11 Sanitation.

The following are prohibited:

- (a) Depositing in any toilet, toilet vault, or plumbing fixture, any bottle, can, cloth, rag, metal, wood, stone, flammable liquid, or other substance which could damage or interfere with the operation or maintenance of the fixture.
- (b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.
- (c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.
- (d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.

(e) Dumping or leaving in a refuse container, dump, or similar facility, refuse, debris, or litter brought as such from private property or from land occupied under permit.

§ 261.12 Forest development roads and trails.

The following are prohibited:

(a) Violating the load, weight, height, length or width limitations prescribed by State law, except by permit, written agreement, or where greater or lesser limits have been established pursuant to § 261.54.

(b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.

(c) Failing to stop a vehicle when directed to do so by a forest officer.

(d) Damaging and leaving in a damaged condition any such road, trail, or segment thereof.

(e) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.

(f) Using motorized vehicles in excess of 40 inches in width on a trail.

§ 261.13 Use of vehicles off roads.

It is prohibited to operate any vehicle off Forest Development, State or County roads:

(a) Without a valid license as required by State law.

(b) Without an operable braking system.

(c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.

(d) In violation of any applicable noise emission standard established by any Federal or State agency.

(e) While under the influence of alcohol or other drug;

(f) Creating excessive or unusual smoke;

(g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.

§ 261.14 Developed recreation sites.

The following are prohibited:

(a) Occupying any portion of the site for other than recreation purposes.

(b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.

(c) Cleaning or washing any personal property, fish, animal, or food at a hydrant or at a water faucet not provided for that purpose.

(d) Discharging or igniting a firecracker, rocket or other firework, or explosive.

(e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only.

(f) Failing to remove all camping equipment or personal property when vacating the area or site.

(g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.

(h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.

(i) Leaving camping equipment unattended for more than 24 hours without permission.

(j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.

(k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.

(l) Bringing in or possessing a saddle, pack, or draft animal, except as authorized by a sign.

(m) Operating or parking a motor vehicle or trailer except in places developed for this purpose.

(n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.

(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.

(p) Distributing any handbill, circular, paper, or notice without a permit.

(q) Depositing any body waste except into receptacles provided for that purpose.

§ 261.15 Admission, recreation use and special recreation permit fees.

Failing to pay any fee established for admission or entrance to, or use of a site, facility, equipment, or service within the National Forest System furnished by the United States is prohibited. The statutory maximum for a violation of this section is a fine of not more than \$100.00. (Sec. 2, 78 Stat. 897, as amended; 16 USC 4601-6(e))

§ 261.16 National Forest wilderness.

The following are prohibited in a National Forest wilderness:

(a) Possessing or using a motor or motorized equipment except small battery-powered, hand-held devices, such as cameras, shavers, flashlights and Geiger counters.

(b) Possessing or using a hang glider or bicycle.

(c) Landing of aircraft, or the dropping or picking up of any material, supplies, or person from aircraft, except by permit or as specifically authorized by Federal law or regulation.

§ 261.17 Boundary Waters Canoe Area, Superior National Forest.

The following are prohibited in the Boundary Waters Canoe Area:

(a) Possessing or transporting any motor or other mechanical device capable of propelling a watercraft through water by any means, except by permit or as specifically authorized by Federal law or regulation.

(b) Transporting, using, or mooring amphibious craft or any type or any watercraft designed for or used as floating living quarters.

(c) Using wheels, rollers, or other mechanical devices for the overland trans-

portation of any watercraft, except by permit or as specifically authorized by Federal law or regulation.

§ 261.18 Pacific Crest National Scenic Trail.

It is prohibited to use a motorized vehicle on the Pacific Crest National Scenic Trail without a permit.

§ 261.19 National Forest primitive areas.

It is prohibited in a National Forest primitive area to violate any prohibition in § 293.17 of this title.

§ 261.20 Unauthorized use of "Smokey Bear" and "Woodsy Owl" symbol.

(a) Manufacture, importation, reproduction or use of "Smokey Bear" except as provided under §§ 261.2, 271.3, or 271.4 is prohibited.

(b) Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under §§ 262.2, 272.3, or 272.4 is prohibited.

Subpart B—Prohibitions in Areas Designated by Order

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.

(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any forest development road or trail.

(c) Each order shall:

(1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;

(2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;

(3) Specify the times during which the prohibitions apply if applied only during limited times;

(4) State each prohibition which is applied;

(5) Be posted in accordance with § 261.51.

(d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.

(e) An order may exempt any of the following persons from any of the prohibitions contained in the order:

(1) Persons with a permit authorizing the otherwise prohibited act or omission. The issuing officer may include in any permit such conditions as he considers necessary for the protection or administration of the road, trail, or National Forest System or for the promotion of the health, safety, or welfare of its users;

(2) Owners or lessees of land in the area;

(3) Residents in the area;

(4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty; and

(5) Persons engaged in a business, trade, or occupation in the area.

(f) It is prohibited to violate the terms or conditions of a permit issued under (e) (1) of this section.

(g) Any person wishing to use a Forest development road or trail or a portion of the National Forest System, should contact the Forest Supervisor, District Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

§ 261.51 Posting.

Posting is accomplished by:

(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and

(b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

§ 261.52 Fire.

When provided by an order, the following are prohibited:

(a) Building, maintaining, attending or using a fire, campfire, or stove fire.

(b) Using an explosive.

(c) Smoking.

(d) Smoking, except inside a building or vehicle, or while seated in an area at least three feet in diameter that is barren or cleared of all flammable materials.

(e) Going into or being upon an area.

(f) Possessing, discharging or using any kind of firework or other pyrotechnic device.

(g) Entering an area without any firefighting tool prescribed by the order.

(h) Operating an internal combustion engine except on a road.

(i) Welding, or operating acetylene or other torch with open flame.

(j) Operating or using any internal or external combustion engine on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester, maintained in effective working order, meeting either (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) the 80 percent efficiency level determined according to the appropriate Society of Automotive Engineers (SAE) recommended Practices J335 and J350.

(k) Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of, fires.

§ 261.53 Special closures.

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:

(a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish.

(b) Special biological communities.

(c) Objects or areas of historical, archaeological, geological, or paleontological interest.

(d) Scientific experiments or investigations.

(e) Public health or safety.

(f) Property.

§ 261.54 Forest development roads.

When provided by an order, the following are prohibited:

(a) Using any type of vehicle prohibited by the order.

(b) Use by any type of traffic prohibited by the order.

(c) Using a road for commercial hauling without a permit or written authorization.

(d) Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order.

(e) Being on the road.

§ 261.55 Forest development trails.

When provided by an order, the following are prohibited:

(a) Being on the trail.

(b) Using a bicycle or motorized vehicle.

(c) Possessing or using a saddle, pack, or draft animal.

(d) Shortcutting a switchback.

§ 261.56 Use of vehicles off forest development roads.

When provided by an order, it is prohibited to possess or use a vehicle off forest development roads.

§ 261.57 National Forest wilderness.

When provided by an order, the following are prohibited:

(a) Entering or being in the area.

(b) Possessing camping or pack-outfitting equipment, as specified in the order.

(c) Possessing a firearm or firework.

(d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.

(e) Grazing.

(f) Storing equipment, personal property or supplies.

(g) Disposing of debris, garbage, or other waste.

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:

(a) Camping for a period longer than allowed by the order.

(b) Entering or using a developed recreation site or portion thereof.

(c) Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.

(d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order.

(e) Camping.

(f) Using a campsite or other area described in the order by more than the number of users allowed by the order.

(g) Parking or leaving a vehicle in violation of a posted sign.

(h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.

(i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles, per camp unit.

(j) Being publicly nude.

(k) Entering or being in a body of water.

(l) Being in the area after sundown or before sunrise.

(m) Discharging a firearm, air rifle, or gas gun.

(n) Possessing or operating a motorboat.

(o) Water skiing.

(p) Storing or leaving a boat or raft.

(q) Operating any watercraft in excess of a posted speed limit.

(r) Launching a boat except at a designated launching ramp.

(s) Possessing or transporting a bird or animal.

(t) Possessing or transporting any part of a tree or plant.

(u) Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.

(v) Hunting or fishing.

Subpart C—Prohibitions in Regions

§ 261.70 Issuance of regulations.

(a) Pursuant to 7 CFR 2.60, the Chief, and each Regional Forester, to whom the Chief has delegated authority, may issue regulations prohibiting acts or omissions within all or any part of the area over which he has jurisdiction, for one or more of the following purposes:

(1) Fire prevention or control.

(2) Disease prevention or control.

(3) Protection of property, roads or trails.

(4) Protection of threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish, or special biological communities.

(5) Protection of objects or places of historical, archaeological, geological or paleontological interest.

(6) Protection of scientific experiments or investigations.

(7) Public safety.

(8) Protection of health.

(9) Establishing reasonable rules of public conduct.

(b) Regulations issued under this subpart shall not be contrary to or duplicate any prohibition which is established under existing regulations.

(c) In issuing any regulations under paragraph (a) of this section, the issuing officer shall follow 5 U.S.C. 553.

(d) In a situation when the issuing officer determines that a notice of proposed rule making and public participation thereon is impracticable, unnecessary, or contrary to the public interest, he shall issue, with the concurrence of the Chief, an interim regulation containing an expiration date.

(e) No interim regulation issued under paragraph (d) of this section will be effective for more than 90 days unless re-

adopted as a permanent rule after a notice of proposed rule making under 5 USC 553 (b) and (c).

§ 261.71 Regulations applicable to Region 1, Northern Region, as defined in § 200.2. [Reserved]

§ 261.72 Regulations applicable to Region 2, Rocky Mountain Region, as defined in § 200.2. [Reserved]

§ 261.73 Regulations applicable to Region 3, Southwestern Region, as defined in § 200.2. [Reserved]

§ 261.74 Regulations applicable to Region 4, Intermountain Region, as defined in § 200.2. [Reserved]

§ 261.75 Regulations applicable to Region 5, California Region, as defined in § 200.2. [Reserved]

§ 261.76 Regulations applicable to Region 6, Pacific Northwest Region, as defined in § 200.2. [Reserved]

§ 261.77 Regulations applicable to Region 8, Southern Region, as defined in § 200.2. [Reserved]

§ 261.78 Regulations applicable to Region 9, Eastern Region, as defined in § 200.2. [Reserved]

§ 261.79 Regulations applicable to Region 10, Alaska Region, as defined in § 200.2. [Reserved]

PART 262—REWARDS AND IMPOUNDMENTS

- Sec. 262.1 Rewards in connection with fire or property prosecutions.
- 262.2 Impoundment and disposal of unauthorized livestock.
- 262.3 Impounding of dogs.
- 262.4 Impounding of personal property.
- 262.5 Removal of obstructions.

AUTHORITY: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 528, as amended (7 U.S.C. 1011(f)); 58 Stat. 736 (16 U.S.C. 559r), unless otherwise noted.

§ 262.1 Rewards in connection with fire or property prosecutions.

(a) Hereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:

(1) Not exceeding \$1,000 and not less than \$100 for information leading to the arrest and conviction of any person on the charge of willfully or maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within the National Forest System or nearby;

(2) Not exceeding \$300 and not less than \$50 for information leading to the arrest and conviction of any person on the charge of building or causing a fire on lands of the United States within the National Forest System or nearby, and leaving said fire which escapes before the same has been totally extinguished;

(3) Not exceeding \$1,000 and not less than \$50 for information leading to the arrest and conviction of any person charged with destroying or stealing any property of the United States.

(4) A reward may be paid to the person or persons giving the information leading to such arrest and conviction upon presentation to the Department of Agriculture of satisfactory evidence thereof, subject to the necessary appropriation as aforesaid, or otherwise as may be provided.

(c) Officers and employees of the Department of Agriculture are barred from receiving such rewards.

(d) The Department of Agriculture reserves the right to refuse payments of any claim for reward when, in its opinion, collusion or improper methods have been used to secure arrest and conviction. The Department also reserves the right to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances entitle the person to a reward on each conviction.

(e) Applications for reward should be forwarded to the Regional Forester, Research Director, or Area Director who has responsibility for the land or property involved in the trespass. However, no application will be considered unless presented to a responsible Forest Service officer within three months from the date of conviction of an offender. In order that all claimants for rewards may have an opportunity to present their claims within the prescribed limit, the Department will not take action with respect to rewards for three months from the date of the conviction of an offender. (58 Stat. 736; 16 U.S.C. 559a.)

§ 262.2 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock or livestock in excess of those authorized by a grazing permit on the National Forest System, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a forest officer as provided herein.

(a) When a Forest officer determines that such livestock use is occurring, has definite knowledge of the kind of livestock, and knows the name and address of the owners, such livestock may be impounded any time five days after written notice of intent to impound such livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that such livestock use is occurring, but does not have complete knowledge of the kind of livestock, or if the name of the owner is unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area in which it will be effective.

(c) Unauthorized livestock or livestock in excess of those authorized by a grazing permit on National Forest System which are owned by persons given notice under paragraph (a) of this section, and any such livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may

be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of livestock, a notice of sale of impounded livestock will be published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of the sale. The date shall be at least five days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value a minimum acceptable redemption price at fair market value may be established for each head of livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing this bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the forest officer making the sale shall furnish the purchaser a bill or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock of unknown ownership are released to the agency for disposition in accordance with State law.

§ 262.3 Impounding of dogs.

Any dog found running at large in a part of the National Forest System, which has been closed to dogs running at large, may be captured and impounded by Forest officers. Forest officers will notify the owner of the dog, if known, of such impounding, and the owner will be given five days to redeem the dog. A dog may be redeemed by the owner submitting adequate evidence of ownership and paying all expenses incurred by the Forest Service in capturing and impounding it. If the owner fails to redeem the dog within five days after notice, or if the owner cannot be ascertained within 10 days from the date of impounding, the dog may be destroyed or otherwise disposed of at the discretion of the Forest officer having possession of it.

§ 262.4 Impounding of personal property.

(a) Automobiles or other vehicles, trailers, boats, and camping equipment and other inanimate personal property on National Forest System lands without the authorization of a Forest officer which are not removed therefrom within the prescribed period after a warning notice as provided in this regulation may

be impounded by a Forest officer. Whenever such Forest officer knows the name and address of the owner, such impoundment may be effected at any time five days after the date that written notice of the trespass is mailed by registered mail or delivered to such owner.

(b) In the event the local Forest officer does not know the name and address of the owner, impoundment may be effected at any time 15 days after the date a notice of intention to impound the property in trespass is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. A copy of this notice shall also be posted in at least one place on the property or in proximity thereto.

(c) Personal property impounded under this regulation may be disposed of at the expiration of 90-days after the date of impoundment. The owner may redeem the personal property within the 90-day period by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, moving, impounding, storing, and otherwise caring for the property, and also for the value of the use of the site occupied during the period of the trespass.

(d) If the personal property is not redeemed on or before the date fixed for its disposition, it shall be sold by the Forest Service at public sale to the highest bidder. If no bid is received, the property, or portions thereof, may, in the discretion of the responsible Forest officer, be sold at private sale or be condemned and destroyed or otherwise disposed of. When personal property is sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale.

§ 262.5 Removal of obstructions.

A Forest officer may remove or cause to be removed, to a more suitable place, a vehicle or other object which is an impediment or hazard to the safety, convenience, or comfort of other users of an area of the National Forest System.

PART 271—USE OF "SMOKEY BEAR" SYMBOL

§ 271.5 [Reserved]

Section 271.5 is revoked and reserved.

PART 272—USE OF "WOODSY OWL" SYMBOL

§ 272.5 [Reserved]

Section 272.5 is revoked and reserved.

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

§ 291.1-291.8 [Reserved]

Sections 291.1 through, and including, 291.8 are revoked and reserved.

PART 295—USE OF OFF-ROAD VEHICLES

§ 295.6 [Revoked]

1. Section 295.6 is revoked.

§ 295.7 [Revoked]

2. Section 295.7 is revoked.

§ 295.8 [Revoked]

3. Section 295.8 is revoked.

Effective date: February 15, 1977.

JOHN A. KNEBEL,
Secretary.

JANUARY 11, 1977.

[FR Doc. 77-1303 Filed 1-13-77; 8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 76-1; Rules Doc. A]

PART 201—GENERAL PROVISIONS

Use of Copyright Office Records for Compiling Mailing Lists and Similar Purposes; Miscellaneous Technical Amendments

On November 15, 1976, proposals were published in the FEDERAL REGISTER regarding (1) the addition of a new regulation § 201.9 governing the filing of agreements between copyright owners and public broadcasting entities; (2) the addition of a new regulation § 201.10 pertaining to the termination of transfers and licenses covering the renewal term of copyright as extended by Pub. L. 94-553 (90 Stat. 2541); (3) an amendment of § 201.2(b) of the existing Copyright Office regulations to delete the prohibition on the use of Office records for compiling mailing lists and the like; and (4) technical corrective amendments to other Copyright Office regulations. Interested persons were given until December 15, 1976 to submit comments. 41 FR 50300, corrected in part at 41 FR 51428.

Comments received in response to the proposals regarding the filing of agreements between copyright owners and public broadcasting entities and the termination of transfers covering the extended renewal term are now being considered by the Copyright Office; these proposals and the comments received in response thereto are not the subject of this rules document.

The proposed amendment to § 201.2(b) of the regulations is to delete paragraph (2) of that section, which prohibits the "copying from the Copyright Office records of names and addresses for the purpose of compiling mailing lists and other similar uses." The Copyright Office had concluded that this prohibition is an unwarranted limitation on the public use of Office records. One comment was received in support of the proposed deletion; no comments were received in opposition.

The technical amendments were proposed to correct ZIP Code references in §§ 201.1 and 201.2(c)(2)(ii); to delete an out-dated reference to "Copyright Office Form C-85" and correct the CFR citation in § 201.8; and to identify Part 14 of the Catalog of Copyright Entries in § 201.3. No comments were received with respect to these proposed amendments.

In consideration of the foregoing, the proposed amendment to § 201.2(b) to delete the prohibition on the use of Office records for mailing lists and like uses and the proposed technical amendments to §§ 201.1, 201.2(c)(2)(ii), 201.3 and 201.8 are hereby adopted without change and are set forth below.

Effective date: As the amendment relating to the use of Office records is intended to relieve a restriction and as the technical amendments are to conform the regulations to existing facts, they shall become effective on January 14, 1977.

Dated: January 6, 1976.

BARBARA RINGER,
Register of Copyrights.

Approved by:

WILLIAM J. WELSH,
Acting Librarian of Congress.

1. Section 201.2(b)(2) is deleted and its number is reserved as follows:

§ 201.2 Information given by the Copyright Office.

(b) Inspection and copying of records. (1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) [Reserved]

§§ 201.1 and 201.2 [Amended]

2. Sections 201.1 and 201.2(c)(2)(ii) are amended to delete the ZIP Code identifications "20540" and to insert the ZIP code identifications "20559" after the words "Washington, D.C." in the addresses for the Register of Copyrights.

§ 201.3 [Amended]

3. Section 201.3 is amended to add the following clause at the end of the section: "Part 14—Sound Recordings, §10."

4. Section 201.8(b) is revised to read as follows:

§ 201.8 Import Statements.

(b) The provisions in the Customs regulations covering the use of the import statement are found in 19 CFR 133.45. (17 U.S.C. 207.)

[FR Doc. 77-1278 Filed 1-13-77; 8:45 am]