changed to "military commissary stores" to bring the terminology in agreement with the revised wording in paragraphs (b), (c), and (d).

Accordingly section 51-5.6 is revised as follows:

§ 51-5.6 **Military resale commodities.**

(a) Purchase procedures for ordering military resale commodities are contained in instructions issued by the designated central nonprofit agency and are available upon request from that agency. Military commissary stores, Armed Forces exchanges and like activities of other Government departments and agencies (authorized resale outlets) shall request the central nonprofit agency to designate the workshop to which orders shall be forwarded.

(b) Authorized resale outlets shall stock military resale commodities in as broad a range as is practicable. Authorized resale outlets may stock items procured from commercial sources which are comparable to a military resale commodity, provided the military resale commodity is also stocked, except that in military commissary stores military resale commodities in the 900-series normally shall be stocked exclusively. The stocking of commercial items in military commissary stores which are comparable to 900-series military resale commodities shall be restricted to those individual items, on a store-by-store basis, for which there is significant customer demand.

(c) Each military department shall, after consultation with the Committee:

(1) Establish mandatory lists of military resale commodities to be stocked in commissary stores.

(2) Require the stocking in commissary stores of military resale commodities in both the 500- and 900-series in as broad a range as is practicable.

(3) Issue guidance to commissary store personnel to take those actions required to achieve the maximum sales potential of military resale commodities.

(4) Establish policies and procedures which reserve at a level not lower than its military commissary service headquarters the authority to grant exceptions to the exclusive stocking of 900-series military resale commodities.

(d) Each military department shall provide the Committee a copy of each directive which relates to the stocking of military resale commodities in commissary stores, including exceptions authorizing the stocking of commercial items in competition with 900-series military resale commodities.

(e) The prices of military resale commodities include delivery to destination or, in the case of destinations overseas (including Alaska and Hawaii), to designated depots at ports of embarkation.

AUTHORITY: Section 2, Pub. L. 92-28, 85 Stat. 80 (41 U.S.C. 47(d)).

Effective date: June 30, 1978.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-18355 Filed 6-29-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

Extension of Effective Date

AGENCY: Federal Maritime Commission.

ACTION: Extension of effective date of final rules.

SUMMARY: Final Commission rules regarding ocean carrier self-policing activities and reporting requirements (43 FR 18175; April 26, 1978) are to become effective September 15, 1978 instead of July 1, 1978. The extension is needed for the purpose of affording the Commission time for analysis of petitions for reconsideration but more importantly to provide affected parties time to comply with the rules prior to their effective date.

DATES: Effective September 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-18324 Filed 6-29-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1231; Amdt. No. 6]

PART 1033—CAR SERVICE

Consolidated Rail Corp. Authorized To Operate Over Tracks of Louisville and Nashville Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 6 to Service Order No. 1231).

SUMMARY: Amendment No. 6 to Service Order No. 1231 extends Service Order No. 1231 until December 31, 1978. Service Order No. 1231 authorizes the Consolidated Rail Corp. to operate over tracks abandoned by the Louisville & Nashville Railroad at Brazil, Ind., for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidate Rail Corp.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: June 21, 1978.

Upon further consideration of Service Order No. 1231 (41 FR 8480, 15414, 27729, 42 FR 3310, 34520, and 43 FR 762), and good cause appearing therefor:

It is ordered, § *1033.1231 Service Order No. 1231 (Consolidated Rail Corp. Authorized to operate over tracks of Louisville & Nashville Railroad Co.)* is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., December 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of the amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18152 Filed 6-29-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1308; Amdt. No. 2]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, (Amendment No. 2 to Revised Service Order No. 1308).

SUMMARY: The Union Pacific is unable to furnish individual shippers with lots of 25 or 50 jumbo covered hopper cars for three consecutive shipments of grain from Kansas and Nebraska origins to destinations on the west coast. Revised Service Order No. 1308 waives the three-consecutive-trip provision of the applicable tariff, enabling the Union Pacific to make a more equitable distribution of its supply of covered hopper cars among all potential users of these cars. Amendment No. 2 extends the order an additional 2 months.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: Decided June 21, 1978.

Upon further consideration of Revised Service Order No. 1308 (43 FR 12693 and 19049), and good cause appearing therefor:

It is ordered, § *1033.1308 Revised Service Order No. 1308* (Distribution of covered hopper cars) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., August 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18153 Filed 6-29-78; 8:45 am]

[7035-01]

[S. O. No. 1316, Amdt. No. 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Appleton, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1316).

SUMMARY: The tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (Milw.) between Menasha, Wis., and Appleton, Wis., have deteriorated and can no longer be used forcing the termination of rail service to shippers in Appleton served by the Milw. The Chicago and North Western Transportation Co. (CNW) connects with the Milw. in Appleton and is able to provide service to those shippers by operations over the tracks of the Milw. in Appleton. Service Order No. 1316 authorizes the CNW to operate over tracks of the Milw. in Appleton, Wis., for the purpose of providing continued railroad service to shippers served by those tracks. Amendment No. 1 extends this order for an additional 2 months.

DATES: Effective June 30, 1978. Expires August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

Decided June 23, 1978.

Upon further consideration of Service Order No. 1316 (43 FR 14668), and good cause appearing therefor:

It is ordered, § 1033.1316 Service Order No. 1316 Chicago and North Western Transportation Co. authorized to operate tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Appleton, Wis. is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., August 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

(49 U.S.C. 1(10-17))

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18289 Filed 6-29-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[Docket No. 36366]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS

Subpart B—Branch Line Accounting System Report and Amendments to the Branch Line Accounting System

MISCELLANEOUS AMENDMENTS

AGENCY: Rail Services Planning Office (RSPO), Interstate Commerce Commission.

ACTION: Amendments to regulations.

SUMMARY: On January 11, 1978, the Rail Services Planning Office (RSPO), reissued the Branch Line Accounting System regulations to conform with the revised Uniform System of Accounts for Railroad Companies. At that time RSPO invited comments from persons who believed substantive changes had been made to the regulations; these comments are discussed in this report. Additional comments were made by the parties which constitute petitions to reopen the regulations for substantive change; these are identified and included in this report.

DATE: Changes are retroactive to January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C., 202-254-7552.

SUPPLEMENTARY INFORMATION: Three statements were received in response to the RSPO request for comments on substantive changes to the restatement of the Branch Line Accounting System (BLAS) regulations. Published at 43 FR January 11, 1978, at page 1732, and 43 FR January 25, 1978, at page 3365.

The Association of American Railroads (AAR) expressed concern about an inconsistency regarding the costing of specific types of freight cars for on-branch and off-branch purposes. For on-branch costing purposes, the breakout of car types is the same as those for which individual data are reported in the revised annual report, form R-1. These car types are those specified by the Commission in Ex parte No. 334 (Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance with the Railroad Revitalization and Regulatory Reform Act of 1976). The on-branch costs for freight cars are developed for 15 types of freight cars. Section 940(B)(2) requires reporting of the total costs for these 15 car types. For off-branch costing purposes, 24 car types are required rather than 15.

At this time, the revised costing procedure that is being developed by the ICC to replace the current rail form A cost formula is not completed. Until such time as the revised formula is available, the current rail form A will be used for determining off-branch costs. We do not believe that this is a burden on the carriers because off-branch costs are based on the most recent rail form A. At the present time, the 1977 rail form A is the most recent. This rail form A uses the "old" Uniform System of Accounts, which develops costs for 24 car types. We expect that the new costing procedure will be developed before the time when carriers must calculate off-branch costs based on data collected in 1978 under the new USOA. When the revised costing procedure is completed, we will reexamine this issue. Until that time, no change will be made to the Branch Line Accounting System regarding this item.

The AAR's second point relates to account 510, which was printed as "Miscellaneous net income." This should be corrected to read "Miscellaneous rent income."

The New York State Department of Transportation (NYDOT) suggested that section 930(c), Publication of Data, be amended to allow the designated State agency copies of all supporting data for the requested branch lines free of charge. Under the present regulations, the requesting agency must pay the reasonable cost of reproducing the data. It is important to note here that the State agencies have free access to the data; the only issue in question is whether the agencies should pay for copies of the data. With the number of lines for which requests potentially could be filed and the amount of data that would have to be reproduced for each line, RSPO believes that a requirement to provide free copies would be an unreasonable burden to place upon the carriers.

NYDOT also requested an addition to the regulations to establish a 30-day compliance period for all data requests. When considering the number of lines for which data could be requested, a mandatory reply period of 30 days would be unreasonable. If a request were received by ConRail for data relating to all subsidized lines, it would be almost impossible to reply within 30 days. Although, we would expect the railroads normally to respond well within a 30-day period, we will not make such a requirement part of the BLAS regulations.

NYDOT's comments described an inconsistency between the BLAS and the regional subsidy standards (Ex parte 293 (Sub No. 2)) relating to the inclusion of subsidy payments as revenue. Subsidy payments are included in the regional standards as revenues attributable, but are omitted from BLAS. Two areas must be discussed in addressing this comment. First, in order to clarify any misunderstanding as to the types of subsidy payments that are to be included, we will restate that, in order to qualify for inclusion as revenue, a subsidy payment must have existed prior to the present agreement and would cease if service on the line were discontinued. In a sense, this is the same as any nonoperating freight or miscellaneous revenue which contributes to the overall viability of the line. Second, NYDOT is correct that these subsidy payments were omitted from section 940(A) and 950(a). These sections will be amended, with section 940(A) including preexisting subsidy payments as a revenue element and section 950(a) giving a description of this item.

ConRail raised two points in its submission. First, ConRail explained that its subsidy agreements for the 1978 calendar year will reflect both the "old" and the "new" accounting systems, as most of ConRail's freight subsidy agreements run from April 1 of one year to March 31 of the next. The annual report, form R-6, requires a submission of data reflecting all system diagram map lines, including (as category 4) lines operated under subsidy.

In amending the subsidy standards, we permitted the continued use of the "old" standards for the remainder of the term of the current agreement. Thus, ConRail is collecting data under the "old" system for 3 months and under the "new" system for 9 months on those lines it operates under subsidy. However, its remaining system diagram map lines (categories 1, 2, and 3), must be reported under the "new" system for the entire year.

The form R-6 is only the vehicle that reports data accumulated under the appropriate set of regulations, 49 CFR Part 1121 or Part 1125. ConRail, and any other carriers which are in the same situation, could file two separate form R-6 reports covering 1978, as follows:

(1) A two-part form R-6 report covering subsidized lines (category 4), presenting 3-month totals under the "old" BLAS and 9-month totals under the "new" BLAS, and

(2) A form R-6 report covering remaining lines (categories 1, 2, and 3) using the "new" BLAS for the entire year.

ConRail's second point is that the detailed supporting records for individual branch lines will not reflect the new Uniform System of Accounts (USOA). ConRail pointed out that the ICC, in its Accounting Series Circular No. 168, dated January 25, 1978, stated that the ICC will not, in the foreseeable future, require a railroad to code its base source documents with the new account numbers. The ICC did, however, state that a clear audit trail must be maintained from the amounts reported in the annual report to the base documents. Therefore, the amounts recorded in the form R-6 must be traceable to the base documents. The ICC stated only that the source documents themselves did not have to have the new account numbers recorded on them. RSPO does not believe that ConRail's statement accurately reflects the intent of the ICC's explanation.

Part 1201 Subpart B of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations is amended by making the changes set forth below to the regulations issued on January 11, 1978:

§ 940 [Amended]

(1) Section 940(A) "Attributable revenue" shall be amended as follows: "Account 510 Miscellaneous net income" is revised to read: "Account 510 Miscellaneous rent income"; and immediately below "Account 519 Miscellaneous income" the following is added: "Account 599 Subsidy payments from preexisting contracts".

§ 950 [Amended]

(2) The following new account is added to section 950(a): "Account 599 Subsidy payments from preexisting contracts. This account shall include all payments made to the operating carrier of a subsidized line that (1) existed prior to the commencement of operations under a subsidy operating agreement and (2) would cease if freight service on the line were discontinued.".

These amendments are effective retroactively to January 1, 1978.

This decision does not significantly affect the quality of the human environment.

Issued June 27, 1978, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-18238 Filed 6-29-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Alaska and Puerto Rico and Doves and Pigeons in the Virgin Islands for the 1978–79 Season

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e. the outside limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed) from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands may select season dates for hunting certain migratory birds during the 1978-79 season. Selected season dates will then be transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) for publication in the FEDERAL REGISTER as amendments to §§ 20.101 and 20.102 of 50 CFR Part 20.

DATES: Effective on June 30, 1978. Season selections due from Alaska, Puerto Rico, and the Virgin Islands by July 26, 1978.

ADDRESS: Season selections from Alaska, Puerto Rico, and the Virgin Islands to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: On February 14, 1978, the Service published for public comment in the FEDERAL REGISTER (43 FR 6275) a proposal to amend 50 CFR Part 20, with a comment period ending May 16, 1978. That document dealt with the establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20. On May 25, 1978, the Service published for comment in the FEDERAL REGISTER (43 FR 22421) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of supplemental or modified proposals and clarification or correction of minor portions of the earlier document. On June 28, 1978, the Service published for comment in the FEDERAL REGISTER (43 FR 28012) a third document in the series consisting of a supplemental proposed rulemaking providing outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed for early season migratory bird hunting regulations. This final rulemaking is the fourth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1978-79 season from which wildlife conservation agency officials in Alaska, Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory game birds in Alaska and Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands.

A public hearing was held in Washington, D.C., on June 21, 1978, as announced in the FEDERAL REGISTER dated February 14, 1978 (43 FR 6275) and May 25, 1978 (43 FR 22421), and proposed hunting regulations for Alaska, Puerto Rico, and the Virgin Islands were discussed. The public was invited to participate in the hearing and/or submit written statements.

COMMENTS ON PROPOSED RULEMAKING

Interested persons were given until June 21, 1978, to comment on the May 25 proposed rulemaking. They were also invited to participate in the June 21 public hearing. No specific comments were received on the Service's proposals for migratory game birds in Alaska. Altogether, three comments addressed the proposed regulations in Puerto Rico and three related to proposals for the Virgin Islands regulations.

Comments regarding the proposed Puerto Rican regulations were confined to better describing the area in which no dove and pigeon hunting is contemplated for protection of the Puerto Rican plain pigeon. The boundary for the additional area to be closed for protection of the endangered pigeon was based upon data supplied by the Puerto Rican Plain Pigeon Recovery Team, as part of the section 7, Endangered Species Act, review.

In the supplemental proposed rulemaking published in the FEDERAL REGISTER dated May 25, 1978, at page 22425, the Service noted a recommendation by the Virgin Islands Department of Natural Resources and Cultural Affairs that no hunting season be established on the scaly-naped pigeon (*Columba squamosa*) on St. Thomas Island. This was to afford greater protection to the white-crowned pigeon (*Columba leucocephala*), a species described under Territorial regulations as "endangered." The species has not been so designated under the Endangered Species Act of 1973. The Service concurred with the recommendation and proposed in the FEDERAL REGISTER dated May 25, 1978 (43 FR 22421) not to establish a season for the scaly-naped pigeon on St. Thomas Island.

The Service subsequently received additional information having a bearing on the issue. A statement from the Virgin Islands Sportsmen's Association provided the following information:

1. Scaly-naped and white-crowned pigeons can be readily differentiated when flying by size, flight pattern, and color.
2. Hunting pressure on St. Thomas Island is extremely light; for the 1977-78 season only 33 hunting licenses were issued.
3. The two species tend to frequent different areas. Scaly-naped pigeons typically inhabit upland forests whereas white-crowned pigeons live along mangrove shorelines.

In consideration of these views, and recognition that a long-term study of doves and pigeons in the Virgin Islands is only half completed, Territorial officials recommended that scaly-naped pigeon hunting on St. Thomas Island be permitted as during the 1977-78 season. The Service concurs in the recommendation.

NEPA CONSIDERATION

The Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54) was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

ENDANGERED SPECIES ACT CONSIDERATION

Section 7 of this act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." and "by taking such action necessary to insure that actions authorized, funded, or carried out * * * do not jeopardize the continued existence of such endangered and threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." Consequently, the Service reviewed all migratory bird regulations being contemplated this year for Alaska, Puerto Rico, and the Virgin Islands and concluded that none of the proposals, if implemented, would result in jeopardizing the continued existence of any species designated as endangered or threatened under the act or adversely modify their critical habitats or habitats that may be determined as critical in the future. Likewise, the proposed regulations are not contrary to the Service's obligation to conserve endangered and threatened species. As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Examples of such consideration include closures of designated areas in Puerto Rico for the Puerto Rican plain pigeon (*Columba inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*) and in Alaska for the Aleutian Canada goose (*Branta canadensis leucopareia*). As a result of section 7 consultation, the size of the closure area for the Puerto Rican plain pigeon is being enlarged this year.

REGULATIONS PROMULGATION

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published on February 14, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Alaska, Puerto Rico, and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service; and finally to establish and publicize the necessary regulations and procedures to implement their decisions.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701-711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Alaska Department of Fish and Game, Puerto Rico Department of Natural Resources, and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Alaska, Puerto Rico, and the Virgin Islands officials, the Service will publish in the FEDERAL REGISTER final rulemaking amending 50 CFR 20.101 and 20.102 to reflect seasons, limits, and shooting hours for these areas for the 1978-79 season.

AUTHORSHIP

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN ALASKA, 1978-79

(All dates inclusive)

Between September 1, 1978 and January 26, 1979, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

1. Shooting hours between one-half hour before sunrise until sunset may be selected for all species.

2. *Season lengths:*

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant. In the Kokiak (State game management unit 8) area, an open season of 107 days for ducks, geese, and brant, and the season may be split without penalty.

B. Exception: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant.

D. An open season for snipe concurrent with the duck season.

E. An open season for sandhill cranes concurrent with the duck season.

3. *Bag and Possession Limits:*

A. *Ducks*—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. *Geese*—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant*—A daily bag limit of 4 and a possession limit of 8.

D. *Snipe*—A daily bag limit of 8 and a possession limit of 16.

E. *Sandhill cranes*—A daily bag limit of 2 and a possession limit of 4.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1978-79

(All dates inclusive)

Doves and Pigeons. An open season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for scaly-naped pigeons is 5.

No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

SPECIAL CLOSURE FOR PROTECTION OF THE PUERTO RICAN PARROT

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the above locale in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973. *Ducks, Coots, Gallinules, and Snipe.* A season of 55 consecutive days between December 1, 1978, and January 31, 1979, may be selected for hunting ducks, coots, common gallinules and common snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas bahamensis*), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1978-79

(All dates inclusive)

Doves and Pigeons. An open season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR CERTAIN BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

ECONOMIC IMPACT REVIEW: The Service has determined that this document does not contain a major rulemaking requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Issued in Washington, D.C., June 26, 1978.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

JUNE 26, 1978.

[FR Doc. 78-18192 Filed 6-29-78; 8:45 am]

[4310-55]

PART 20—MIGRATORY BIRD HUNTING

Amendment to Regulations Describing Nontoxic Shot Zones for Waterfowl Hunting Seasons Commencing in 1978 in Texas, New York, Illinois, and California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the descriptions of nontoxic shot zones for waterfowl hunting which were published on February 28, 1978 (43 FR 8144-8149). This rule applies to waterfowl hunting seasons commencing in 1978. Subsequent to the publication of nontoxic shot zones on February 28, 1978, discussions with States have resulted in decisions to modify descriptions of zones in four of the States affected by the nontoxic shot regulations for 1978. The amendments will reduce the size of zones in Texas and New York, and permit shooting tests to be conducted within zones in Illinois and California.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: This amendment relieves a restriction on waterfowl hunting in New York and Texas in 1978 by reducing the size of the areas included within the nontoxic shot zones in these two States. It amends the descriptions of zones in Illinois and California to permit both lead shot and steel shot to be used experimentally in shooting tests.

The reasons for these changes are as follows:

1. The State of New York has determined, as a result of studies conducted in the fall of 1977, that geese feeding in uplands and sea ducks are eating lead shot at a relatively low rate. Consequently, the State requested that nontoxic shot zones in New York include only water and areas within 150 yards of water, and exclude areas defined in State regulations as sea duck zones.

2. The State of Texas has requested that the nontoxic zone for that State be reduced in size until additional studies can be completed.

3. Shooting tests which compare the effectiveness of various steel shot and lead shot loads in bagging geese will be conducted in Illinois and California. Hunters at certain locations in these two States will be asked to use unmarked shotgun shells. The hunter's shooting activity that day will be observed and recorded. At three locations in Illinois and one location in California some of these hunters will be given lead loaded shotshells. The regulations are amended to allow this testing to occur.

Service has determined that since this amendment relieves a restriction, allows the States time to formulate State regulations, and allows time for adjustments in the distribution of ammunition, the notice and public comment procedure required by 5 U.S.C. 553(b) is impracticable and not in the public interest. The Service further finds the 5 U.S.C. 553(d) does not apply. Accordingly, 50 CFR Part 20 is amended by revising § 20.108 as described below.

§ 20.108 [Amended]

(1) The description of nontoxic shot zones for New York (43 FR 8146) is revised to read:

NEW YORK

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters) of Nassau and Suffolk Counties and that portion of New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90) and within a 150-yard zone of land in the above area adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the nontoxic shot requirement. Areas described as sea duck zones in waterfowl regulations of