

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 80-068]

Boundary Realignments Within the 12th Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule changes the 12th Coast Guard District Captain of the Port zone boundaries to coincide with county lines so that administrative activities are simplified.

EFFECTIVE DATE: August 18, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant (jg) William L. Carey, Office of Marine Environment and Systems (G-WPE-2), Room 1104, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426-1927. Normal office hours are between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the Federal Register under 5 U.S.C. 553(d)(3).

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are Lieutenant (jg) William L. Carey, Project Manager, Office of Marine Environment and Systems and Lieutenant Collin Lau, Project Attorney, Office of Chief Counsel.

In consideration of the foregoing, Part 3 of Title 33 of the Code of Federal Regulations is amended by revising §§ 3.60-50, 3.60-55 and 3.60-60 to read as follows:

§ 3.60-50 Monterey Captain of the Port Zone.

(a) The Monterey Captain of the Port office is located in Monterey, California.

(b) The Monterey Captain of the Port Zone comprises all of Santa Cruz, Monterey, and San Luis Obispo Counties of the State of California.

§ 3.60-55 San Francisco Captain of the Port Zone.

(a) The San Francisco Captain of the Port office is located in San Francisco, California.

(b) The San Francisco Captain of the Port Zone comprises the State of Utah, except for Washington, Kane, San Juan, and Garfield Counties; the State of

Nevada, except for Clark County; and the State of California north of Santa Barbara, Kern, and San Bernardino Counties, except for the zones covered in § 3.60-50, Monterey Captain of the Port Zone; and § 3.60-60, Humboldt Bay Captain of the Port Zone.

§ 3.60-60 Humboldt Bay Captain of the Port Zone.

(a) The Humboldt Bay Captain of the Port office is located in Eureka, California.

(b) The Humboldt Bay Captain of the Port Zone comprises all of Del Norte, Humboldt, and Mendocino Counties of the State of California.

[14 U.S.C. 633, 49 U.S.C. 1655 (b); 49 CFR 1.45, 1.46]

Dated: July 10, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-21470 Filed 7-16-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[Circular No. 2472]

Use of Helicopters in the Management of Wild Free-Roaming Horses and Burros

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend 43 CFR 4730.7-2 which controls the use of helicopters in the management of wild free-roaming horses and burros on the public lands. These additional regulations are needed so that persons authorized to conduct a research study of wild free-roaming horses and burros under the authority of the Wild Free-Roaming Horse and Burro Act, as amended, may use helicopters without the supervision of a Department of the Interior employee. This will prevent any opportunity for a claim that research results are biased because of Department of the Interior participation in the study.

EFFECTIVE DATE: August 18, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (440), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert J. Springer, (202) 343-4773.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is

Robert J. Springer of the Division of Wild Horses and Burros, Bureau of Land Management, Washington, D.C., assisted by the staff of the Office of Legislation and Regulatory Management.

This final rulemaking was not published as a proposed rulemaking because its substance does not affect the rights or responsibilities of the public. In addition, it is in the public interest to authorize such use immediately because of statutory deadlines for completion of research contained in the Wild Free-Roaming Horse and Burro Act of 1971, as amended 16 U.S.C.A. § 1333(b)(3) (1980 Supp.). The time necessary to follow proposed rulemaking procedures would mean that helicopters without Bureau of Land Management supervision in any research studies could not be used until the summer of 1981. The use of helicopters is one of the more humane ways of obtaining data on wild horses and burros. Under this amendment, helicopters may be used for such purposes as surveillance, the study of inventory techniques and other purposes by authorized researchers without supervision by employees of the Department of the Interior. It was felt that such supervision might lead to bias or charges of bias in the research results.

It is hereby determined that publication of this final rulemaking is not a major action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Act of December 15, 1971, as amended (16 U.S.C. 1331 et seq.), commonly referred to as the Wild Free-Roaming Horse and Burro Act, Subpart 4730, Part 4700, Group 4700, Subchapter D, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

James W. Curlin,

Acting Assistant Secretary of the Interior.

July 10, 1980.

1. Subpart 4710 is amended by adding a new § 4710.4 to read as follows:

§ 4710.4 Research.

Research activities in the management of wild free-roaming horses and burros shall be conducted pursuant to a contract entered into between

authorized individuals or organizations and the authorized officer.

2. Section 4730.7-2 is amended by adding a new paragraph (c) to read as follows:

§ 4730.7-2 Helicopters.

(c) Notwithstanding any provision of this section, researchers who have entered into contracts with the Bureau of Land Management under the authority of the act may use helicopters in the performance of such research activities without the supervision of the authorized officer; *Provided that:* helicopters permitted for research shall not—

(1) Be used to kill or remove from the public lands wild free-roaming horses or burros; or

(2) Create undue or needless stress in wild free-roaming horses or burros.

[FR Doc. 80-21319 Filed 7-16-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 8340

[Circular No. 2471]

Off-road Vehicles; Licensing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will revise Bureau of Land Management regulations that specify the licensing required to operate an off-road vehicle on the public lands. This action is being taken in response to public opposition to the existing regulations that require licensing beyond that required by the States. As a result, the licensing requirements to operate an off-road vehicle on public lands will remain a matter of State jurisdiction.

EFFECTIVE DATE: August 18, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (420), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bob Conquergood (202) 343-9353.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Larry R. Young of the Division of Recreation and Cultural Resources, Bureau of Land Management, Washington, D.C., assisted by the staff of the Office of Legislation and Regulatory Management.

This final rulemaking will revise section 8341.1(e) which sets forth the conditions under which a license is required to operate an off-road vehicle on public lands. In addition, section

8341.1(f) which sets forth conditions relating to the supervision of nonlicensed drivers has been deleted.

Six letters of comment on the proposed rulemaking were received with three of them critical. The following summarizes the comments and responses to them.

Comment: Off-road vehicles are dangerous when driven irresponsibly.

Response: Although the off-road vehicle licensing regulations have been changed, the provisions prohibiting irresponsible driving have been retained.

Comment: Off-road vehicle drivers should be required to qualify for an operator's license.

Response: This amendment providing for less stringent licensing requirements is in response to widespread opposition to the more stringent requirements.

Comment: Licensing of off-road vehicle operators should include environmental education.

Response: Drivers are licensed to operate vehicles primarily for the protection of people. Environmental protection is provided for in the regulations by requiring that the designation of areas for off-road vehicle use be based on protection of the resources.

Comment: The preservation of the beauty of the public lands will suffer because of the less stringent licensing requirements.

Response: Licensing in itself is not related to the beauty of the public lands. The procedures for designating areas for off-road vehicle use require that the impacts on all resources be considered. This, of course, includes the impacts on aesthetic resources and they will be given due consideration.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Endangered Species Act (16 U.S.C. 1531 et seq.), the Act of September 18, 1960, as amended (16 U.S.C. 670 et seq.), the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a), the National Trails System (16 U.S.C. 1241 et seq.), and Executive Order 11644 (37 FR 2877), as amended by Executive Order 11989 (42 FR 26959), Subpart 8341, Part 8340, Group 8300, Subchapter H, Chapter II, Title 43 of the Code of Federal

Regulations is amended as set forth below.

Guy R. Martin,

Assistant Secretary of the Interior.

July 11, 1980.

1. Section 8341.1 is amended by revising paragraph (e) to read as follows:

§ 8341.1 Regulations governing use.

(e) No person may operate an off-road vehicle on the public lands without a valid operator's license or learner's permit where required by State or Federal law.

2. Section 8341.1 is amended by deleting paragraph (f) and redesignating paragraphs (g) through (i) as paragraphs (f) through (h) respectively.

[FR Doc. 80-21318 Filed 7-16-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 175

[Docket No. HM-168; Amdt. Nos. 171-55, 175-15]

Hazardous Materials Aboard Aircraft; Correction

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the amendatory language of Item 5 in the rule published on May 27, 1980 (45 FR 35329) which amended certain regulations pertaining to the transportation of hazardous materials aboard aircraft.

EFFECTIVE DATE: July 17, 1980.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation,

Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-15990 beginning on page 35329 in the Federal Register of May 27, 1980, in the amendatory language of Item 5, on page 35332, paragraph (c) of § 175.85 was incorrectly redesignated as paragraph (f) instead of paragraph (g). The amendatory language of Item 5 is corrected to read as follows:

5. In § 175.85, paragraph (b) is revised, paragraph (c) is redesignated as paragraph (g), and a new paragraph (c) is added as follows:

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Issued in Washington, D.C., on July 7, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-21154 Filed 7-16-80; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1467-A]

Atchison, Topeka and Santa Fe Railway Co. to Operate Over Tracks Authorized to be Served by the St. Louis Southwestern Railway Co., at Dodge City, Kans.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1467-A.

SUMMARY: This order vacates Revised Service Order No. 1467, which permitted the Atchison, Topeka and Santa Fe Railway Company to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company at Dodge City, Kansas, in lieu of the St. Louis Southwestern Railway Company (SSW) which was unable to reach Dodge City due to an out-of-service track. That track is now in service and SSW will resume service to affected shippers.

EFFECTIVE: 11:59 p.m., July 14, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

Decided: July 11, 1980.

Upon further consideration of Revised Service Order No. 1467 (45 FR 42289), and good cause appearing therefor:

It is ordered, § 1033.1467 Revised Service Order No. 1467 (The Atchison, Topeka and Santa Fe Railway Company to operate over tracks authorized to be served by the St. Louis Southwestern Railway Company, at Dodge City, Kansas) is vacated effective 11:59 p.m., July 14, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11123.

This order 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 order 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 H. O'Brien.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-21287 Filed 7-16-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 655; Valencia Orange Reg. 654, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 18-July 24, 1980, and increases the quantity of such oranges that may be so shipped during the period July 11-July 17, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective July 18, 1980 and the amendment is effective for the period July 11-July 17, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and

upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on July 15, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges remains steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 908.955 is added as follows:

§ 908.955 Valencia Orange Regulation 655.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 18, 1980, through July 24, 1980, are established as follows:

- (1) District 1: 345,000 cartons;
- (2) District 2: 405,000 cartons;
- (3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

§ 908.954 [Amended]

2. Paragraph (a) in § 908.954 Valencia Orange Regulation 654 (45 F.R. 46335), is hereby amended to read: