to a petition for reconsideration or to a petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Department of State action pursuant to judicial mandate.

## Subpart C—Procedures for Considering Applications

### § 134.21 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 134.12(b) for confidential financial information.

### § 134.22 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Department of State may file an answer to the application. Unless the Department of State counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30 day period may be treated as a consent to the award requested.

(b) If the Department of State counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by Department of State counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Department of State position. If the answer is based on any alleged facts not already in the record of the proceeding the Department of State shall include with the answer either supporting affidavits or a request for further proceedings under § 134.26.

### § 134.23 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 134.26.

### § 134.24 Comments by other parties.

Any party to a proceeding other than the applicant and Department of State may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comment.

### § 134.25 Settlement.

The applicant and the Department of State may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Department of State counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

### § 134.26 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Department of State counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

### § 134.27 Decision.

The adjudicative officer shall issue an initial decision on the application as promptly as possible after completion of proceedings on the application. The decision shall include written fundings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Department of State position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against the Department of State and another agency, the decision shall allocate responsibility for payment of any award made between the Department of State and the other agency, and shall explain the reasons for the allocation made.

### § 134.28 Further Department of State review.

Either the applicant or Department of State counsel may seek review of the initial decision. If neither the applicant nor the Department of State counsel seeks review, the initial decision shall become a final decision of the Department of State 30 days after it is issued. If review is taken the Judicial Officer will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

### § 134.29 Judicial review.

Judicial review of final Department of State decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

### § 134.30 Payment of award.

An applicant seeking payment of an award shall submit to the Comptroller or other disbursing official of the Department of State a copy of the final decision granting the award accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Requests for payment should be sent to: Executive Director, Office of the Comptroller, Room 1328, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The Department of State will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Dated: October 19, 1981.

**Richard T. Kennedy,**

*Under Secretary for Management.*

[FR Doc. 81-34433 Filed 11-30-81; 8:45 am]

BILLING CODE 4710-10-M

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## DEPARTMENT OF THE INTERIOR

## Geological Survey

## 30 CFR Part 221

## Oil and Gas Operating Regulations

**AGENCY:** Geological Survey, Interior.

**ACTION:** Final rulemaking.

**SUMMARY:** This final rulemaking will amend Part 221 to broaden the applicability of the part to include oil and gas operations on the National Petroleum Reserve, Alaska (NPR-A) and to include a reference to the statutory

authority for such operations in this designated area. In addition, obsolete references to the Secretary of the Navy and an obsolete Naval Petroleum Reserve form will be eliminated.

**EFFECTIVE DATE:** December 31, 1981.

**ADDRESS:** Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, (703) 860–7535, (FTS) 928–7535, or Mr. Stephen H. Spector, Branch of Rules and Procedures, (703) 860–6259, (FTS) 928–6259.

**SUPPLEMENTARY INFORMATION:** The principal authors of this final rulemaking are Stephen H. Spector, Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia, and William James Weber, Office of the Deputy Conservation Manager, Onshore Minerals, U.S. Geological Survey, Anchorage, Alaska.

The final rulemaking is intended to provide regulations to govern industry operations on oil and gas leases issued in NPR–A without the need for separate rules.

The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514, 94 Stat. 2964), directs the Secretary of the Interior to conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve, Alaska (NPR–A), appropriates funds for such leasing, and outlines procedures to be followed in the issuance of the leases. In order to exercise regulatory jurisdiction over the operations which will commence after the issuance of the leases, it is necessary to specifically establish operating regulations.

The regulations in Part 221 govern development and production of oil and gas contained in lands that are owned or controlled by the United States and are under the jurisdiction of the Secretary of the Interior (30 CFR 221.1). This final rulemaking will specifically incorporate within the scope of the existing operating regulations, oil and gas leases issued for lands within NPR–A. It has not had prior publication as proposed rulemaking because it is basically administrative in nature and no substantial changes are made to the operating regulations at this time. The September 10, 1981, **Federal Register** Notice (46 FR 45205), published by the Bureau of Land Management (BLM), making the NPR–A lease form available for public review and comment, specifically states that leases issued pursuant to the form are subject to the operating regulations in 30 CFR Part 221. The comments received by the BLM raise no objection to the use of existing operating regulations for leases issued for lands within NPR–A. The changes being made in Part 221 by this rulemaking merely conform the regulations in this part to the BLM lease form. Other minor changes correct references that have been obsolete by statutory amendments and changed conditions. Finally, the entire Part 221 is the subject of a separate rulemaking published as proposed rulemaking November 17, 1981 (46 FR 56564). Individuals may comment upon the effect of each of the regulations in Part 221 upon operations in the NPR–A as part of this separate, comprehensive rulemaking. For the above reasons, it is determined that publication of the present rulemaking as a proposed rulemaking is unnecessary under 5 U.S.C. 553(b).

The FY 1981 Appropriation Act provides the Department of the Interior with the authority to lease areas within NPR–A for oil and gas. While this authority necessitates the adoption of new procedures to accommodate leasing of NPR–A lands, it has been concluded that no substantive changes are required at this time in the existing onshore oil and gas operating regulations, 30 CFR Part 221. This conclusion is based on the belief that, in general, exploration, development, and producing operations within NPR–A will utilize technology and operating procedures which closely parallel those which have been used on Federal lands elsewhere on the North Slope. The existing 30 CFR Part 221 regulations have served effectively in regulating those activities. Adequate authority exists in these regulations, in the related guidelines, and in existing cooperative procedures for the U.S. Geological Survey, in consultation with other involved Agencies, to impose such conditions as are considered necessary to ensure that operations within NPR–A will be carried out in an environmentally acceptable manner. If any specific provision is determined to be required for operations in NPR–A prior to the revision of Part 221 in its entirety, this can be addressed by orders, notices to lessees and operators, or by the imposition of special stipulations as a condition of approval. Accordingly, it has been determined that the circumstances do not justify the promulgation of new and separate operating regulations for NPR–A, and that the most efficient approach is to amend the existing 30 CFR Part 221 regulations to make them applicable to NPR–A.

Obsolete references to jurisdiction over the naval petroleum reserves, which were transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act of 1977, 42 U.S.C. 7101, 7156, are also being corrected in this rulemaking. The references to "the Secretary of Navy" in §§ 221.1 and 221.2 are being replaced by "the Secretary of Energy." Section 221.64 is modified to eliminate reference to a naval petroleum reserve form which the Department of Energy indicates is no longer used.

The information collection requirements contained in the current Part 221 which are hereby made applicable to NPR–A have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following clearance numbers:

| Form No. | Name | OMB No. |
|---|---|---|
| 9–330 | Well Completion or Recompletion Report and Log. | 1028–0004 |
| 9–329/9–329A | Monthly Report of Operation (and Continuation). | 1028–0005 |
| 9–361 | Monthly Report of Sale and Royalty. | 1028–0006 |
| 9–614A | Rental and Royalty Remittance Advice. | 1028–0007 |
| 9–331 | Sundry Notice and Reports on Wells. | 1028–0011 |
| 9–331C | Application for Permit to Drill, Deepen, or Plug Back. | 1028–0012 |

A new section designated 221.2–1, *Information Collection*, will be added to Part 221 as part of the comprehensive rulemaking currently underway and therefore is not added to the part at this time.

It is hereby determined that modification of these provisions does not constitute a major Federal 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 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of the Department of Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514, 94 Stat. 2964), and the Department of Energy Organization Act (42 U.S.C. 7101, 7156), Part 221, Chapter II: Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: November 9, 1981.

**William P. Pendley,**

*Assistant Secretary of the Interior.*

## PART 221—OIL AND GAS OPERATING REGULATIONS

1. Part 221 is amended by revising the Authority provision to read as follows:

**Authority:** Sec. 3, 28 Stat. 795, secs. 18, 14, 27, 28, 32, 41 Stat. 426, 442, as amended, 448, as amended, 449, as amended, 450 sec. 7, 42 Stat. 1450, 43 Stat. 244, sec. 6, 46 Stat. 374, sec. 39, 47 Stat. 798, as amended, sec. 40, 48 Stat. 977, sec. 3, 49 Stat. 679, 40 Stat. 842, as amended, sec. 4, 52 Stat. 348, sec. 10, 61 Stat. 915, 94 Stat. 2964; 25 U.S.C. 397, 356, 30 U.S.C. 223, 184, 185, 189, 236, 25 U.S.C. 398, 30 U.S.C. 306, 209, 229a, 236a, 221; 25 U.S.C. 396d, 30 U.S.C. 359, 42 U.S.C. 7101, 7156.

2. Section 221.1 is revised to read as follows:

### § 221.1 Introduction.

The regulations in this part will govern the development and production of deposits of oil, gas, and casinghead or natural gasoline, including propane, butane and other hydrocarbons, and fluids, and lands containing such deposits owned or controlled by the United States, under jurisdiction of the Secretary by law or administrative arrangement, including the National Petroleum Reserve in Alaska. The regulations in this part shall be administered under the Director of the Geological Survey, except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.

3. Section 221.2 is amended by revising paragraph (a) and adding new paragraph (q) to read as follows:

### § 221.2 Definitions.

* * * * *

(a) *Secretary.* The Secretary of the Interior, except where lands in naval petroleum reserves are involved, and in that case the Secretary of Energy.

* * * * *

(q) *National Petroleum Reserve in Alaska.* The area also known as NPR-A which was designated by section 102 of the Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303) and established by Executive Order of the President, dated February 27, 1933, except for tract Number 1 as described in Public Land Order 2344, dated April 24, 1961.

4. Section 221.64 is revised to read as follows:

### § 221.64 Royalty and rental remittance (Naval Petroleum Reserves).

Remittance covering payments of royalty or rental on naval petroleum reserves must be accomplished by necessary identification information and sent direct to the Director, Naval Petroleum Reserves in California.

[FR Doc. 81-34430 Filed 11-30-81; 8:45 am]

BILLING CODE 4310-31-M

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## DEPARTMENT OF DEFENSE

## Office of the Secretary

## 32 CFR Part 210

[DOD Directive 5525.4][1]

## Enforcement of State Traffic Laws on DOD Installations

**AGENCY:** Office of the Secretary, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of Defense published a directive governing the enforcement on DOD installations of those state traffic laws that cannot be assimilated under the Assimilative Crimes Act. This directive sets forth policies and standards under authority delegated to Secretary of the Defense by the Administrator, General Services Administration.

**EFFECTIVE DATE:** November 2, 1981.

**FOR FURTHER INFORMATION CONTACT:** Colonel John L. Fugh, USA, Office of the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), the Pentagon, Room 3C980, Washington, D.C. 20301, telephone 202-697-9283.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 81-24112, appearing in the **Federal Register** (46 FR 42083) on August 19, 1981, the Office of the Secretary of Defense published a proposed rule on this subject matter. No comments from the public were received, and the directive, after some editorial improvements, was signed by the Deputy Secretary of Defense on November 2, 1981.

Accordingly, Chapter I of Title 32 of the Code of Federal Regulations is amended by adding Part 210, reading as follows:

## PART 210—ENFORCEMENT OF STATE TRAFFIC LAWS ON DOD INSTALLATIONS



**Authority:** 63 Stat. 377, as amended, 18 U.S.C. 13; 40 U.S.C. 318a through d., 40 U.S.C. 612.

### § 210.1 Purpose.

This part establishes policies pursuant to the requirements of DOD Directive 6055.4,[1] "Department of Defense Traffic Safety Program," November 7, 1978, and to authority delegated to the Secretary of Defense under Enclosure 1 for the enforcement, on DOD military installations, of those state vehicular and pedestrian traffic laws that cannot be assimilated under U.S.C., Title 18, Section 13.

### § 210.2 Applicability and Scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

(b) The provisions encompass all persons who operate or control a motor vehicle or otherwise use the streets of a military installation over which the United States exercises exclusive or concurrent legislative jurisdiction.

(c) The provisions govern only vehicular and traffic offenses or infractions that cannot be assimilated under U.S.C. Title 18, Section 13, thereby precluding application of state laws to traffic offenses committed on military installations.

### § 210.3 Policy.

(a) It is the policy of the Department of Defense that an effective, comprehensive traffic safety program be established and maintained at all military installations as prescribed in DOD Directive 6055.4.[1]

(b) State vehicular and pedestrian traffic laws that are now or may hereafter be in effect shall be expressly adopted and made applicable on military installations to the extent provided by this part. All persons on a military installation shall comply with the vehicular and pedestrian traffic laws of the state in which the installation is located.

(c) A person found guilty of violating, on a military installation, any state vehicular or pedestrian traffic law made applicable to the installation under the provisions of this part is subject to a fine of not more than $50 or imprisonment

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[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

for not more than 30 days, or both, for each violation (40 U.S.C. 318c).

(d) This part does not limit the application of any federal law or regulation or, under 18 U.S.C. 13 any state law made applicable to offenses committed on military installations.

(e) A copy of this part shall be posted in an appropriate place on the DoD installation concerned.

**§ 210.4 Responsibilities.**

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall modify this part as appropriate.

(b) Secretaries of the Military Departments shall comply with this part.

M. S. Healy,
*OSD Federal Register Liaison Officer, Department of Defense.*
November 25, 1981.

**Enclosure 1**

General Services Administration (D-81- ).

*Delegation of Authority to the Secretary of Defense*

1. *Purpose.* This delegation authorizes the Secretary of Defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. *Effective date.* This delegation became effective on March 20, 1981.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in 40 U.S.C. 612, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other directives.* FPMR Temporary Regulation D-28 is revoked.

Dated: June 24, 1981.
Gerald P. Carmen,
*Administrator.*

[FR Doc. 81-34399 Filed 11-30-81; 8:45 am]
BILLING CODE 3810-01-M

## LIBRARY OF CONGRESS

## Copyright Office

## 37 CFR Part 201

**[Docket Rm 77-14A]**

## Methods of Affixation and Positions of the Copyright Notice

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Final Regulation.

**SUMMARY:** This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting a final regulation implementing section 401(c) of the Copyright Act of 1976, title 17 of the United States Code. That section directs the Register of Copyrights to "prescribe by regulation, as examples, specific methods of affixation and positions of the copyright notice on various types of works" that will satisfy the requirment that the copyright notice "be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright." The effect of the regulation is to provide examples of methods of affixation and positions for the guidance of persons seeking to affix the notice in a manner and location that will comply with the statutory requirements.

**EFFECTIVE DATE:** December 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

**SUPPLEMENTARY INFORMATION:** Section 401 of the Copyright Act of 1976, title 17 of the United States Code, establishes the basic requirement that notice of copyright shall appear on "visually-perceptible copies." [1] Section 401(a) provides generally[2] that:

> Whenever a work protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall be placed on all publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device.

Subsection (b) of section 401 sets out the required form of notice for visually perceptible copies (generally, the symbol ©, the word "Copyright," or the abbreviation "Copr.", the year of first pubication, and the name of the owner of copyright).

"Position of notice" is dealt with in section 401(c). It provides:

> The notice shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright. The Register of Copyrights shall prescribe by regulation, as examples, specific methods of affixation and positions of the notice on various types of works that will satisfy this requirement, but these specifications shall not be considered exhaustive.

In commenting on this subsection, both legislative reports on the Copyright Act of 1976 [3] declared:

> By providing simply that the notice "shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright," subsection (c) follows the flexible approach of the Universal Copyright Convention. The further provision empowering the Register of Copyrights to set forth in regulations a list of examples of

[1] The requirements for the copyright notice to appear on "phonorecords of sound recordings" are contained in section 402, a provision to some extent paralleling section 401. Subsection (c) of section 402 provides that "the notice shall be placed on the surface of the phonorecord, or on the phonorecord label or container, in such manner and location as to give reasonable notice of the claim of copyright." Unlike section 401, section 402 contains no provisions under which the Register of Copyrights is called upon to issue regulations setting forth methods of affixation and positions of notice on various types of sound recordings. This final rule therefore deals only with notices under section 401: that is, notices on "publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device." It should be noted that the notice requirements of section 402 apply only to sound recordings considered as copyrightable works in themselves; for musical, dramatic, and literary works that are issued to the public in the form of phonorecords, there is no requirement that a copyright notice relating to such works must appear on the phonorecords.

[2] This general requirement for notice of copyright on visually-perceptible copies is expanded by section 403, dealing with publications incorporating United States Government works; also, it is amplified by section 404, with respect to contributions to collective works, and its is qualified by sections 405 and 406, which concern omissions and errors in notice.

[3] S. Rep. No. 94-473, 94th Cong., 1st Sess., Nov. 20, 1975, at 127; H.R. Rep. No. 94-1476, 94th Cong., 2d Sess., Sept. 3, 1976, at 144.