OZONE—Continued

[Texas—(O_3)]

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 218:		
Ector County	X	
Remainder of AQCR	X	

[1] EPA designation replaces State designation.

[FR Doc. 86-25345 Filed 11-7-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Temp. Reg. A-30]

Use of Contract Airline/Rail Passenger Service Between Selected Cities/Airports

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation prescribes policies and procedures governing the use of U.S. certified carriers which are under contract with the General Services Administration (GSA) to furnish Federal employees and other persons authorized to travel at Government expense with scheduled airline/rail passenger service between selected cities/airports.

DATES: Effective date: October 1, 1986.

Expiration date: September 30, 1987, unless sooner revised or suspended.

FOR FURTHER INFORMATION CONTACT: Charles T. Angelo, Director, Travel and Transportation Management Division (FTS/ (703) 557-1261).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12551 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-40

Freight, Government property management, Moving of household goods, Office relocations, Transportation.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of the Subchapter A to read as follows:

Federal Property Management Regulations, Temporary Regulation A-30

September 23, 1986.

To: Heads of Federal agencies

Subject: Use of contract airline/rail passenger service between selected cities/airports.

1. *Purpose.* This regulation prescribes policies and procedures governing the use of U.S. certificated carriers in furnishing Government employees and other persons authorized to travel at Government expense with scheduled airline/rail passenger service between selected U.S. and international cities/airports at reduced fares.

2. *Effective date.* This regulation is effective October 1, 1986.

3. *Expiration date.* This regulation expires September 30, 1987, unless sooner revised or superseded.

4. *Background.* The General Services Administration (GSA) has entered into new contracts with U.S. certificated carriers to furnish airline/rail passenger transportation for official Government travel between selected U.S. and international cities/airports at reduced rates. In some cases, the contracts apply to individual airports in cities served by more than one airport. Pub. L. 99-272 amended section 306(f) of the Rail Passenger Service Act (45 U.S.C. 546(f)) to allow the National Railroad Passenger Corporation (AMTRAK) to "participate in the contract air program . . . where service provided by the Corporation is competitive as to rates and total trip times." The policies and procedures, which are subject to change with each contract cycle, have been set out as an attachment to this regulation. GSA will issue revisions to these policies and procedures as supplements to this regulation by transmitting replacement pages to the attachment.

5. *Applicability.* This regulation is mandatory only to the extent provided in the attachment; services may be offered to other persons at the option of carriers under contract.

6. *Comments.* Comments or recommendations concerning this regulation and its provisions may be submitted to the General Services Administration, FBT, Washington, DC 20406.

7. *Effect on other directives.* This regulation cancels FPMR Temporary Regulation A-22 and supplements thereto.

T.C. Golden,

Administrator of General Services.

Attachment A

1. *General.* This regulation prescribes policies and procedures governing the use of U.S. certificated carriers which are under contract with GSA to furnish Federal employees and other persons authorized to travel at Government expense with scheduled airline/rail passenger service between selected U.S. and international cities/airports at reduced fares. The carriers under contract (hereafter referred to as contractors), the contract fares, and the selected city and airport pairs to which the contract fares apply are not identified in this regulation, but are contained in the Federal Travel Directory, a monthly publication to be used in conjuction with this regulation. Noncontract carriers may be used between the selected cities/airports under conditions specified in par. 9.

2. *Federal Travel Directory.* The Federal Travel Directory (FTD) is published monthly by GSA and the Department of Defense to provide up-to-date information to Federal travelers on fares, schedules, and coverage of individual cities/airports. Government employees should order copies of the FTD through their appropriate headquarters administrative offices. The FTD is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; for ordering information, telephone the Central Order Desk on (202) 783-3238 and ask for the Federal Travel Directory, GPO Stock Number 722-006-00000-3.

3. *Applicability.*

a. This regulation is mandatory for all executive agencies (except the Department of Defense (DOD)) and other Federal agencies subject to the authority of the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, and 5 U.S.C. 5701 and 5721, et seq. (Uniformed members and civilian employees of DOD are subject to the procedures established in the Military Traffic Management Regulation AR 55-355/ NAVSUPINST 4600.70/MCO P4600.14A/ DLAR 4500.3.)

b. The following persons are exempt from the mandatory use of this

regulation; however, they are authorized to obtain services under this regulation at the option of the contractors when seating space is available:

(1) Uniformed members of the Public Health Service, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard;

(2) Members and employees of the U.S. Congress;

(3) Employees of the judicial branch of the Government;

(4) Employees of the U.S. Postal Service;

(5) Foreign service officers;

(6) Cost-reimbursable contractors working for the Government; and

(7) Employees of any agency having independent statutory authority to prescribe travel allowances and who are not subject to the provisions of 5 U.S.C. 5701 through 5709.

4. *Alternate use of noncontract rail or bus service.* Notwithstanding the provisions of this regulation, noncontract rail or bus service may be used when the agency determines that these modes are advantageous to the Government (cost, energy, and other factors considered) and compatible with the requirements of the travel mission. (See ch. 1–2.2c(1)(b)(iii), Federal Travel Regulations.)

5. *Responsibility of contractors.*

a. Contractors are not required to furnish services if, at the time of the request for service, the scheduled carrier's conveyance is fully loaded; nor shall contractors be required to furnish any additional aircraft or railcars to satisfy the transportation requirement. Contractors will provide the official Government traveler with services that are the same as those provided to their commercial passengers in scheduled jet or rail coach service, subject to the rules and procedures published in tariffs filed with the Airline Tariff Publishing Company or contained in the contractors' contracts of carriage.

b. In describing unrestricted contract fares, contractors will use the designator "YCA." The contractors will describe restricted contract fares by using a three-letter designator in which the last two characters will always consist of the letters "CA" (e.g., *QCA).*

c. Contractors will issue prepaid tickets at no charge to Federal agencies when such tickets are requested by the Government in accordance with the provisions of par. 6. This service, commonly known as prepaid ticket advice (PTA), includes notification between carriers' offices by electronic means or mail that a requestor in one location has purchased and requested issuance of prepaid transportation tickets to a person in another location. Generally, this service is used for Federal travelers who are located in remote areas or at long distances from airports or rail terminals and do not have immediate access to a ticket issuing facility.

6. *Procedures for obtaining service.*

a. Except as provided in subpars. b, c, and g of this paragraph, contract airline/rail passenger service shall be ordered by the issuance of a U.S. Government Transportation Request (GTR) (Standard Form 1169), either directly to contractors or indirectly to Traffic Management Centers (TMCs) established by GSA as provided in FPMR Temporary Regulation A–24. (See par. 7 on the use of TMCs.)

b. Agencies and departments participating in GSA's travel and transportation expense payment system are authorized to use GSA contractor-issued charge cards to the extent provided in FPMR Temporary Regulation A–25 and supplements. These charge cards may be presented to contractors, TMCs, airline and AMTRAK ticket counters, or agency travel officers, as appropriate and in accordance with agency policies and procedures implementing the charge card program.

c. In limited circumstances when a traveler uses cash to procure service under FPMR 101–41.203–2, the traveler shall be prepared to authenticate the trip as official travel. When cash is used, the contractors listed in the FTD have the option of furnishing services at either the contract or noncontract fare. If only one contract is awarded for a city/airport pair and the contractor does not provide a contract fare with the use of cash, the traveler shall procure service from a carrier offering the lowest fare. If more than one carrier has been awarded a contract for a city/airport pair, the traveler shall observe the order of contractor succession in selecting a contractor which provides a contract fare with the use of cash; if none of the contractors provides a contract fare with the use of cash, the traveler shall procure service from the carrier offering the lowest fare and which will accept cash. Cash or personal credit cards shall not be used to circumvent the Government's contracts.

d. When a reservation for contract service is requested, the fare basis shall be identified as "YCA" (unrestricted) or "CA" (restricted), as appropriate, and the contractor's ticket agent shall be instructed to apply the appropriate fare basis and contract fare. Agencies using teletype ticketing equipment shall examine airline tickets to determine if the tickets contain the correct fare or whether they should be canceled and new tickets issued. Tickets picked up at the airline ticket office shall be verified to ensure that the proper fare is shown on the ticket.

e. Contract fares apply only for the city-airport pairs named in the FTD, and are not applicable to or from intermediate points. However, the contract fares are applicable in conjunction with other published fares or other contract fares. Contract fares shall not be used for personal travel taken in connection with official travel.

f. When a city/airport pair published in the FTD indicates that only one contract is awarded and the contractor subsequently offers a fare lower than its contract fare for the same service, the ordering agency may elect to use the lower fare if it is compatible with the agency's travel requirements. Promotional, restricted, and those special fares offered by the contractor and applicable only to Government employees on official travel (commonly known as status fares) may be used if the traveler can meet the qualifying restrictions to obtain such fares.

g. When the FTD indicates that separate contract fares apply for specific airports in selected cities served by more than one airport, travelers may (without further justification) use the airport which best meets their needs.

h. Cost-reimbursable contractors, traveling in performance of a Government contract and with proper identification from the contracting agency, are authorized to obtain contract fares if the contractor agrees to the arrangement. Cost-reimbursable contractors may obtain the GSA contract fares through the use of a GTR, contract number, cash, or a personal credit card. The FTD identifies the contractors which agree to furnish transportation services to cost-reimbursable contractors at the GSA contract fares when documentation and payment conditions noted in the FTD are met.

7. *Use of Traffic Management Centers (TMCs).* TMCs are commercial travel offices operated by travel agents under contract with GSA or by a Scheduled Airlines Traffic Office (SATO) under contract with GSA. These travel agents and SATOs are responsible for providing and arranging all travel services required by the participating agencies.

a. When GTRs are used, the TMCs are assigned GTR numbers by each participating agency and these GTR numbers shall be shown on all transportation tickets issued.

b. When GSA contractor-issued charge cards or Government Travel

System (GTS) accounts are used, travel management services will be furnished as provided in FPMR Temporary Regulation A–25. (See the FTD for the location of TMCs.)

8. *Progressive airline awards for the same city/airport pair.* When progressive awards are made for the same city/airport pair, the contractors are listed in the FTD in priority order from the contractor (primary) offering the lower YCA fare to the contractor (secondary) offering the next higher YCA fare. Except as otherwise provided in this paragraph, agencies shall obtain contract services in the order of contractor priority specified in the FTD.

a. Where the contractor offers both a YCA fare and a restricted fare (e.g., QCA) for the same city/airport pair, the FTD lists both fares and describes the qualifying conditions for obtaining the restricted fare. The availability of a lower restricted fare by a secondary contractor does not remove the Government's obligation to request service from the primary contractor. Agencies may use the secondary contractor's restricted fare only if the exceptions noted in subpar. b of this paragraph indicate that the use of the secondary contractor is justified. For example, if the primary contractor listed in the FTD offers a YCA fare of $90 and the secondary contractor offers a YCA fare of $100 and an QCA fare of $80, the QCA fare of $80 may be used only if the primary contractor with the lower YCA fare of $90 is displaced for reasons noted in subpar. b of this paragraph.

b. The secondary contractor may be used when:

(1) Seating space or the scheduled flight of the primary contractor is not available in time to accomplish the purpose of the travel, or the scheduled flight would require the traveler to incur unnecessary overnight lodging expense;

(2) The primary contractor's flight schedule for the travel involved is inconsistent with the Government's policy of scheduling travel to the maximum extent practicable during normal working hours (for further information, see the Federal Personnel Manual, Supplement 990–2); or

(3) Based on a cost comparison, the primary contractor's fare, when added to such factors as ground transportation, lost productive time, allowable overtime, and additional overnight lodging expense, would result in higher costs to the Government than the costs resulting from the use of the secondary contractor.

c. When a contractor offers a commercial fare lower than its Government contract fare, the ordering agency may use the lower fare provided the qualifications for obtaining the lower fare are compatible with the agency's travel requirements and provided a cost comparison of total costs prescribed in subpar. b(3) of this paragraph justifies a change in the order of contractor succession. By offering the general public a fare lower than its contract fare, the contractor assumes the status of a noncontract carrier and the provisions of par. 9 apply.

9. *Use of noncontract carriers for listed city/airport pairs.*

a. Heads of agencies are authorized to approve the use of noncontract carriers for city/airport pairs listed in the FTD when their use is justified under the conditions specified in subpar. b of this paragraph. This authority may be delegated provided appropriate guidelines in the form of regulations or other written instructions are furnished the designee. Redelegations of authority shall be limited. Delegation and redelegation of authority shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances requiring the use of noncontract carriers. Justification for the use of noncontract carriers will be authorized on individual travel orders (if known before travel begins) or approved on vouchers (if not known before travel begins).

b. Use of noncontract carriers for city/airport pairs listed in the FTD is justified when:

(1) Seating space or the scheduled service of the contractor is not available in time to accomplish the purpose of the travel, or the scheduled service would require the traveler to incur overnight lodging expense;

(2) The contractor's schedule for the travel involved is inconsistent with the Government's policy of scheduling travel to the maximum extent practicable during normal working hours; or

(3) Based on a cost comparison (see note),

(a) A restricted or unrestricted coach fare available to the general public is lower than the contract fare or other fare offered by the contract carrier, all other cost factors being equal; or

(b) Use of a noncontract coach fare available to the general public would, when added to such factors as ground transportation, lost productive time, allowable overtime, and additional overnight lodging expense, result in lower costs to the Government than the costs that would accrue if comparable cost factors were added to the contract fare.

Note. When making cost comparisons:

a. YDG, MDG, or other fares restricted to Government employees shall not be used;

b. Promotional/restricted fares offered by noncontract carriers to the general public may be used provided:

(1) The traveler can meet all qualifying restrictions associated with such fares, and

(2) The service provided by the noncontract carrier is equal to or better than that of the contractor with respect to enroute trip times;

c. Agencies should take into account any penalty fee a carrier may impose when reservations for promotional/restricted fares and canceled or changed; and

d. The traveler and/or the traveler's agency, at the time reservations are made or travel is performed (whichever occurs first), shall demonstrate conclusively that the contractor did not offer the same fare cited in the cost comparison. Justification for using the noncontract carrier shall be shown on the travel authorization or travel voucher, as provided in subpar. 9a.

10. *Traveler liability.* In the absence of specific authorization or approval stated on or attached to the travel authorization or travel voucher, the traveler shall be responsible for any difference in cost that may result from the traveler's unauthorized use of noncontract service or the failure to observe the order of contractor succession. The traveler's indebtedness to the Government shall be the difference between the price of the service used and the lowest contract fare applicable to the travel involved.

[FR Doc. 86–25324 Filed 11–7–86; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2910

[AA–320–06–4211–02–2410; Circular No. 2590]

Airport Leasing Procedures; Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: The final rulemaking makes a number of amendments to the existing regulations which change the terms for annual rental, provide for an application filing fee which more accurately reflects current administrative costs for the processing of applications, and revise

the procedures in the regulations to streamline them and make them more efficient. The final rulemaking also amends existing regulations at 43 CFR Subpart 2911 to remove provisions relating to withdrawal of public lands for beacon lights and air navigation facilities which were repealed by the Federal Land Policy and Management Act of 1976.

EFFECTIVE DATE: December 10, 1986.

ADDRESS: Inquiries or suggestions should be sent to: Director (320), Bureau of Land Management, Room 3642, Main Interior Bldg., 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Gary L. Rowe, (202) 343–8693;

Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: A proposed rulemaking amending the existing regulations on airport leases was published in the **Federal Register** on August 20, 1985 (50 FR 33578), with a 60-day comment period. Comments were received from nine sources, six from Federal agencies, one from a State, one from the private sector and one from the environmental sector.

Most of the comments were directed to specific provisions of the proposed rulemaking. Those sections and the action taken on the comments are discussed in this preamble. Only those sections that were the subject of comments are discussed. Some of the comments were concerned with procedural processes that are more properly the subject of inclusion in the Bureau of Land Management's Manual and directive system. After this rulemaking becomes final, a manual addressing these issues will be prepared and published.

Nearly all of the comments pointed out the typographical error in § 2911.0–3 of the proposed rulemaking. As suggested in the comments, the date of the Act has been changed from 1982 to 1928 by the final rulemaking. The final rulemaking also amended all of the other sections where the citation for the Act of May 24, 1928 appears.

Several comments were directed to § 2911.0–5 of the proposed rulemaking. One comment, which has been adopted by the final rulemaking, pointed out that the term "Secretary" is not used in the regulation and the definition should be deleted.

A few of the comments recommended that the definition of the term "applicant" as it appeared in the proposed rulemaking be amended for clarification. After careful review of the comments on this term, the final rulemaking has amended the term.

One of the comments recommended that 2911.0–8 of the proposed rulemaking be amended to remove public lands designated as wilderness study areas from the lands that are available for leasing for an airport. This recommendation has not been adopted by the final rulemaking because at the time of the filing of an application for airport rental, the authorized officer can use existing authority to determine if the lands applied for should be protected and the lease denied because of their status as wilderness study area lands.

One of the comments questioned the need for the heading of § 2911.1 of the proposed rulemaking, and recommended that § 2911.1 be deleted. The final rulemaking has adopted this recommendation, deleting § 2911.1 and renumbering § 2911.1–1 as § 2911.1.

Section 2911.1–1 of the proposed rulemaking, which has been renumbered § 2911.1 by this final rulemaking, was the subject of numerous comments, several of which have been adopted by the final rulemaking. A comment suggested that the final rulemaking insert immediately after the phrase "Bureau of Land Management" the phrase "District office having jurisdiction over the lands under lease" in renumbered § 2911.1(b). This clarifying amendment has been adopted by the final rulemaking. Another comment on this section suggested that renumbered § 2911.1(c) be amended to make it clear that the rental must be paid on "or before" the due date. This suggestion also has been adopted by the final rulemaking. Another comment suggested that for clarity, the final rulemaking rewrite renumbered § 2911.1(e). After careful review of the language of the section in the proposed rulemaking and the recommendations contained in the comments, the section has been rewritten by the final rulemaking.

Several comments were received on §§ 2911.2, 2911.2–1, 2911.2–2, 2911.2–3 and 2911.2–4 of the proposed rulemaking. A couple of the comments recommended that the heading of § 2911.2–1 of the proposed rulemaking be changed to read "preapplication activity" and that reference to the term "proposal" be removed from §§ 2911.2–1 and 2911.2–2 of the proposed rulemaking. These changes would make the procedures in the airport lease regulations consistent with other regulations that cover applications for the disposal of the public lands. The final rulemaking has adopted the recommendations and §§ 2911.2–1 and 2911.2–2 have been rewritten to make them similar to those in other land disposal regulations. Another change recommended by the comments and adopted by the final rulemaking is the addition of language that specifies the type of land description that is required in an application for lands for airport rental. As recommended in a comment, the final rulemaking has amended § 2911.2–2 of the proposed rulemaking to remove the phrase "recordation and service fee" and replace it with the phrase "filing fee" which is a more accurate description of the fee paid with the application and makes this regulation consistent with other regulations requiring the payment of a filing fee. The final rulemaking also makes this change in § 2911.2–3 of the proposed rulemaking.

Finally, the final rulemaking has adopted a recommendation contained in the comments that language be added to § 2911.2–2 of the proposed rulemaking covering the action to be taken if the granting of the airport lease results in the cancellation of a grazing permit or lease or a reduction in grazing acreage.

Section 2911.2–3 of the proposed rulemaking was the subject of several comments which recommended changes. One comment pointed out that the proposed rulemaking was not specific as to the publication that would begin the running of the 45-day comment period. In response to this comment, the final rulemaking provides that the comment period shall begin with the publication of the notice of realty action in the **Federal Register.** A couple of comments made the point that the proposed rulemaking did not specifically provide that statutory requirements, such as compliance with the provisions of the National Environmental Policy Act of 1969, be met prior to the issuance of an airport lease. The final rulemaking has added language to § 2911.2–3 of the proposed rulemaking that clarifies that an airport lease will not be issued until the authorized officer has received the filing fee and that all statutory and regulatory requirements have been fulfilled.

Several of the comments pointed out that the notice of realty action provided in the proposed rulemaking did not segregate the lands covered by an airport lease application for entry under the public lands laws, including the mining laws, and recommended that the final rulemaking provide for segregation. The final rulemaking has adopted these recommendations and has added a paragraph (b) to § 2911.2–3 of the proposed rulemaking which provides for segregation of the public lands upon the publication of the notice of realty action.

Editorial and grammatical changes as needed also have been made.

The principal author of this final rulemaking is Gary Rowe, Division of Lands, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This final rulemaking will have no significant impact on an applicant for an airport lease on public lands, whether the applicant is large or small.

The final rulemaking contains no information collection requirements requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 2910

Airports, Alaska, Mines, Public lands, Recreation areas, Waste treatment and disposal.

Under the authority of the Act of May 24, 1928, as amended (49 U.S.C. Appendix, 211–213) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 2910, Group 2900, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

J. Steven Griles,

Assistant Secretary of the Interior.

October 21, 1986.

PART 2910—[AMENDED]

1. Part 2910 is amended by adding an authority citation to read:

Authority: 49 U.S.C. Appendix, 211–213, 43 U.S.C. 869 et seq. 48 U.S.C 360, 361.

2. Part 2910 is amended by revising Subpart 2911 to read:

Subpart 2911—Airport

Sec.

2911.0–1 Purpose.
2911.0–3 Authority.
2911.0–5 Definitions.
2911.0–8 Lands available for leasing.
2911.1 Terms and conditions.
2911.2 Procedures.
2911.2–1 Preapplication activity.
2911.2–2 Applications.
2911.2–3 Report by Administrator, Notice of Realty Action.
2911.2–4 Execution of lease.

Authority: 49 U.S.C. 211; 43 U.S.C. 1701 et seq.

Subpart 2911—Airport

§ 2911.0–1 Purpose.

This subpart sets forth procedures for issuance of airport leases on the public lands.

§ 2911.0–3 Authority.

The Act of May 24, 1928, as amended (49 U.S.C. Appendix, 211–213), authorizes the Secretary of the Interior to lease for use as a public airport, any contiguous unreserved and unappropriated public lands not to exceed 2,560 acres in area.

§ 2911.0–5 Definitions.

As used in this subpart, the term:

(a) "Act" means the Act of May 24, 1928, as amended (49 U.S.C. Appendix, 211–213).

(b) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this subpart.

(c) "Administrator" means the Administrator of the Federal Aviation Administration.

(d) "Applicant" means any individual who is a citizen of the United States; a group or association of citizens of the United States; any corporation, organized under the laws of the United States or of any State, authorized to conduct business in the State in which the land involved is located; or a State or political subdivisions or instrumentality thereof, including counties and municipalities; who submits an application for an airport lease under this subpart.

(e) "Public airport" means an airport open to use by all persons without prior permission of the airport lessee or operator, and without restrictions within the physical capacities of its available facilities.

§ 2911.0–8 Lands available for leasing.

Any contiguous unreserved and unappropriated public lands, surveyed or unsurveyed, not exceeding 2,560 acres in area, may be leased under the provisions of the Act, subject to valid existing rights under the public land laws.

§ 2911.1 Terms and conditions.

(a) The lessee shall, within 1 year from the date of issuance of the lease, equip the airport as required by the Administrator and file a report thereof in the Bureau of Land Management District office having jurisdiction over the lands under lease.

(b) At any time during the term of the lease, the Administrator may have an inspection made of the airport, and if the the airport does not comply with the ratings set by the Federal Aviation Administration, the Administrator shall submit a written statement describing the deficiencies to the Bureau of Land Management District office having jurisdiction over the lands under lease for appropriate action.

(c) The authorized officer may cancel, in whole or in part, a lease issued under the Act for any of the following reasons: Lessee failure to use the leased premises or any part thereof for a period of at least 6 months; use of the property or any part thereof for a purpose other than the authorized use; failure to pay the annual rental in full on or before the date due; failure to maintain the premises according to the ratings set by the Federal Aviation Administration; failure to comply with the regulations in this part or the terms of the lease.

(d) Leases under the Act shall be for a period not to exceed 20 years and may be renewed for like periods.

(e) Annual rental for leases to any citizen of the United States, any group or association of citizens, or any corporation organized under the laws of the United States or any State shall be at appraised fair market rental, with a minimum annual rental payment of $100. State or political subdivisions thereof, including counties and municipalities, shall pay to the lessor an annual rental calculated at the appraised fair market value of the rental of the property less 50%, with a minimum annual rental payment of $100. In fixing the rentals, consideration shall be given to all pertinent facts and circumstances, including use of the airport by government departments and agencies. Rental of each lease shall be reconsidered and revised at 5-year intervals to reflect current appraised fair market value. The first annual rental payment shall be made prior to issuance of the lease. All subsequent payments shall be paid on or before the anniversary date of issuance of the lease.

(f) The lessee shall agree that all departments and agencies of the United States operating aircraft shall have free and unrestricted use of the airport and, with the approval of the authorized officer, such departments or agencies shall have the right to erect and install therein such structures and improvements as are deemed advisable by the heads of such departments and agencies. Whenever the President may deem it necessary for military purposes, the Secretary of the Army may assume full control of the airport.

(g) The lessee shall submit to the Administrator for approval regulations governing operations of the airport.

§ 2911.2 Procedures.

§ 2911.2-1 Preapplication activity.

Persons seeking to lease public lands under this subpart shall first consult with the authorized officer in the District or Resource Area Office in which the lands are located. Such consultation is necessary to determine land availability and conformity of proposed use with approved land use plans, explain associated statutory and regulatory requirements, familiarize the potential applicant with respective management responsibilities, set forth the application processing procedures for the proposed action, and identify potential conflicts. Upon completion of the consultation, persons seeking to lease public lands for a public airport may submit an application for consideration by the authorized officer.

§ 2911.2-2 Applications.

(a) Each application shall clearly describe the lands applied for by legal subdivisions and/or by metes and bounds and contain a plan of development and use signed by the applicant or by a duly authorized agent or officer of the applicant. When required by the authorized officer, the application shall include copies of the appropriate State, county, or municipal airport licenses or permits, as well as such additional States and local clearances as may be required.

(b) Each application shall be accompanied by a non-refundable filing fee of $100. Each applicant shall also be required to pay the cost of publication of a Notice of Reality Action in the **Federal Register** and a newspaper of general circulation in the area in which the lands are located.

(c) If approval of an application results in cancellation of a grazing permit of lease or a reduction in grazing acreage, the provisions of § 4110.4-2 of this title shall apply.

§ 2911.2-3 Report by Administrator; Notice of Realty Action.

(a) Upon receipt of the application, the authorized officer shall send 1 copy to the Administrator for a determination concerning what fuel facilities, lights, and other furnishings are necessary to meet the rating set by that agency. After receiving the report of the Administrator, and before making a determination to issue a lease, the authorized officer shall publish a Notice of Realty Action in the **Federal Register** and in a newspaper of general circulation in the area of the lands to be leased. The notice shall provide 45 days from the date of publication in the **Federal Register** for comments by the public. Comments shall be sent to the office issuing the notice. The notice shall not be published until the authorized officer has received the filing fee from the applicant and is satisfied that all statutory and regulatory requirements have been met.

(b) The notice of realty action may segregate the lands or interests in lands to be conveyed to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the notice of realty action shall terminate either upon issuance of a document of conveyance of 1 year from the date of publication in the **Federal Register**, whichever occurs first.

§ 2911.2-4 Executive of lease.

Upon receipt the payments required by § 2911.2-2(b) of this title and not less than 45 days following the publications required by § 2911.2-4 of this title, the authorized officer shall make a decision on the application and, if the application is approved, issue the lease.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 61095-6195]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

Correction

In FR Doc. 86-23877 beginning on page 37408 in the issue of Wednesday, October 22, 1986, make the following corrections: On page 37409, in the third column, in the second paragraph, in the first line, insert "proceed" after "BSAI"; in the fifteenth line, "groundfishing" should read "groundfish fishing".

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