permitted intake (MPI) for a 60-kg human is calculated to be 3.8 mg/day. These tolerances and the currently established tolerances result in a theoretical maximum residue contribution (TMRC) of 0.0057 mg/day (1.5-kg diet) for a 60-kg human and utilize 9.6 percent of the ADI.

The nature of the residue is adequately understood and analytical methodology is available in the Pesticide Analytical Manual II (PAM II) for enforcement purposes. The PAM II method involves gas-liquid chromatography (GLC) with alkali flame ionization detection (AFID), and with mass spectrometry for samples that show interference in the GLC/AFID. A newer analytical method which involves capillary gas chromatography using a nitrogen/phosphorus detector operating in the nitrogen-specific mode will be included in PAM II.

Because of the long lead-time from establishing these tolerances to publication of the enforcement methodology in the PAM II, the newer analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from:

By mail: William Grosse, Chief, Information Services Branch, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703 557–2613).

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

Pursuant to the requirement of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 6, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 40—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346.

2. Section 180.408(a) is amended by removing the entries for "fruiting vegetables (except cucurbits) group [except tomatoes].....0.1" and "tomatoes..... 1.0" and adding, and alphabetically inserting, the following commodities, to read as follows:

§ 180.408 Metalaxyl; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Fruiting vegetables (except cucurbits) group	1.0
* * * * *	
Sugar beets	0.1
Sugar beets, tops	0.1
* * * * *	

[FR Doc. 87–8274 Filed 4–14–87; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–41

[FPMR Amendment G–80]

Transportation Documentation and Audit; Revision of Voucher-Schedule Procedures

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This rulemaking amends the Federal Property Management Regulations (FPMR) by requiring that appropriate accounting information accompanies payment checks sent to carriers by the Department of the Treasury. Air carriers complain that Treasury checks used to pay for passenger transportation often lack sufficient information to reconcile payments. This problem is attributed to improper carrier preparation of vouchers, improper or inadequate preparation of voucher-schedules by the paying agencies, and inadequate payment procedures at the disbursing facilities. The revised procedures provide explicit instructions for handling voucher-schedules and minimize the payment accounting problems by ensuring that proper payment information accompanies payment checks to carriers.

This rulemaking also changes GSA correspondence symbols which resulted from a reorganization.

EFFECTIVE DATE: April 15, 1987.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits, (202) 786–3014 or FTS 786–3014.

SUPPLEMENTARY INFORMATION:

Background

A Notice of Proposed Rulemaking (NPRM) to revise transportation disbursement procedures was published in the **Federal Register** on April 25, 1985 (50 FR 16316).

Section 101–41.806–2 is revised to eliminate the disbursing office (D.O.) voucher number. Section 101–41.806–3 is revised to allow the disbursing office to retain the original voucher-schedules, forwarding copies of the voucher-schedules to the issuing office. This change is necessary to correspond with the requirements of the Treasury Fiscal Requirements Manual (TFRM) Transmittal Letter Number 422. Section 101–41.806–3 is further revised to eliminate the forwarding of a copy of the voucher-schedule to GSA. The revisions also update Standard Form (SF) 1166 citations to conform to the current TFRM.

The GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 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. Therefore, a regulatory impact analysis has not been

prepared. The 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.

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act [5 U.S.C. 605(b)], GSA has also determined that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis has been prepared.

The reporting forms required by this regulation are not subject to the provisions of Pub. L. 96–511, the Paperwork Reduction Act of 1980, and FIRMR 201–45.6.

Discussion of major comments. The following summarizes major comments, suggestions, and our determinations and actions taken. We received six comments to the NPRM: two Federal agencies, three carriers, and one carrier association. Both agencies suggested that clarifying amendments and editorial changes be made to the disbursing procedures. We have adopted those suggestions.

One carrier endorsed § 101–41.806–3 but requested that its agency number, which is provided on the tear-off slip, be incorporated in this section as a check identification requirement. This agency number, however, is not a GSA requirement and, therefore, cannot be adopted for inclusion in this final rule. However, § 101–41.806–3 requires that tear-off slips or enclosures bearing all information shown on the tear-off slips be forwarded to the carrier-payee with the payment check.

A carrier and the carrier association alleged that § 101–41.806–3 gives disbursing offices an alternative to forwarding detailed payment information to the carrier-payee and suggested there be no exception to remitting the tear-off slips. The main objective of this revision is to ensure that carriers receive all the information needed to identify payments, whether it be by tear-off slips, enclosures, or included on the check itself. We believe the current wording is sufficiently explicit to accomplish this objective.

The carrier suggested that § 101–41.802(b) be revised to require all agencies to adopt the disbursement procedures. This suggestion is not practical since all agencies do not use the Department of the Treasury's disbursing facilities. In fact, GSA is eliminating from this final rule that part of § 101–41.802(b) which permits other agencies to adopt these procedures after notification to GSA.

The carrier recommended that tear-off slips or media bearing all information shown on the tear-off slips be forwarded under separate cover to the carrier-payee immediately after a wire transfer of payment. In our opinion, these revised procedures clearly indicate that all information needed for check identification must be sent to the carrier-payee. GSA should be notified if, subsequent to the effective date of this final rule, these procedures are not followed.

The carrier further suggested that the interest amount be separately and distinctly identified for each carrier bill. We believe the current wording in § 101–41.803(c) sufficiently makes that distinction.

The carrier asked that it be highlighted that deductions from disbursement vouchers can only be made against foreign-flag carriers. GSA's position is that 31 U.S.C. 3726(b)(2) provides an "equivalent arrangement or exception" which encompasses domestic air transportation and, therefore, allows deductions to be made.

One carrier endorsed the proposal in its entirety.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

Title 41, Part 101–41 of the Code of Federal Regulations is amended as follows:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for 41 CFR Part 101–41 continues to read:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101–41 is amended by revising the following entries:

101–41.804 Preparation of SF 1166 OCR, Voucher and Schedule of Payments.
101–41.804–2 Listing of items on SF 1166 OCR.
101–41.806 Processing of SF 1166 OCR.

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States

3. Section 101–41.206 is amended by revising paragraphs (b) and (c) to read as follows:

§ 101–41.206 Special procedures for automatic payment of carrier charges for passenger transportation services.

* * * * *

(b) Agencies using the disbursing facilities of the Department of the Treasury shall issue Standard Form 1166 OCR, Voucher and Schedule of Payments (voucher-schedule), to the Department of the Treasury for issuance of the check. The payee block of the voucher-schedule shall include the above-cited identifying information that is to appear on the payment check. The stub attached to the SF 1166 OCR is not used in this instance and shall be destroyed.

(c) The accounting activity shall send to the General Services Administration (FWAA/C), Washington, DC 20405:

(1) The original of the blanket GTR (SF 1169);

(2) A copy of the ticket listing; and

(3) The agent's coupon of each ticket paid on the listing for air service, or the auditor's coupon of each ticket paid on a listing for Amtrak service.

* * * * *

Subpart 101–41.8—Transportation Disbursement Procedures

4. Section 101–41.802 is amended by revising paragraphs (a)(2) through (a)(6), by adding paragraph (a)(7), and by revising paragraph (b) to read as follows:

§ 101–41.802 Standard forms for scheduling transportation vouchers for payment.

(a) * * *

(2) SF 1166 OCR (Optical Character Recognition—Readable Format), Voucher and Schedule of Payments (Original) (white paper).

(3) SF 1166–A OCR, Voucher and Schedule of Payments (Memorandum) (yellow paper).

(4) SF 1166–EDP (Electronic Data Processing), Voucher and Schedule of Payments (Computer-generated).

(5) SF 1167 OCR, Voucher and Schedule of Payments (Continuation Sheet) (Original) (white paper).

(6) SF 1167–A OCR, Voucher and Schedule of Payments (Continuation Sheet) (Memorandum) (yellow paper).

(7) SF 1186, Transmittal for Transportation Schedules and Related Basic Documents.

(b) The procedures prescribed for preparation of SF 1166 OCR, Voucher and Schedule of Payments (voucher-schedule), are applicable to all Federal agencies using the disbursing facilities of the Department of the Treasury. The procedures prescribed for the use of SF

1166 OCR apply also to SF 1166–A OCR, SF 1167 OCR, and SF 1167–A OCR.

* * * * *

5. Section 101–41.803 is amended by revising paragraphs (a) and (b) and adding paragraph (c) to read as follows:

§ 101–41.803 Scheduling procedures.

(a) Agency shall prepare a voucher-schedule (SF 1166 OCR) for all basic vouchers covering transportation services furnished for the account of the United States submitted by carriers in accordance with §§ 101–41.214 and 101–41.310 of this part. Transportation vouchers (SF 1113) shall be listed separately from all other types of payment vouchers. All information required for check issuance purposes must be included on the SF 1166 OCR. After certification by the authorized certifying officer, the voucher-schedule shall be transmitted to the appropriate disbursing office. The transportation vouchers shall be retained by the agency for later transmittal to GSA (FWAA/C) in accordance with § 101–41.807 of this subpart.

(b) The tear-off slips from the related basic SF 1113 must also be sent to the disbursing office for forwarding to the carrier-payees with the payment checks. However, agencies submitting payment data on magnetic tape to a Department of the Treasury disbursing facility may arrange with that facility for the preparation of enclosures (TFS Form 3039, Notice to Check Recipient), bearing all information shown on the tear-off slips, which must be sent to the carrier-payee with the payment checks instead of the tear-off slips.

(c) Paid amounts must be clearly identified against individual carrier bills. Each carrier bill number and related payment amount for transportation charges and payment amount for interest, if any, for that bill number must be included in each check issue entry if the agency certifies on SF 1166 OCR, or it must be included as magnetic tape payment data if the agency certifies on SF 1166–EDP.

6. Section 101–41.803–1 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 101–41.803–1 Classification of basic transportation vouchers for purposes of separate scheduling.

(a) Basic transportation vouchers shall be sorted into three general classifications for separate listing on SF 1166 OCR:

* * * * *

7. Section 101–41.804 is recaptioned and §§ 101–41.804–1 and 101–41.804–2 are revised to read as follows:

§ 101–41.804 Preparation of SF 1166 OCR, Voucher and Schedule of Payments.

§ 101–41.804–1 Assignment of schedule numbers.

Each SF 1166 OCR covering transportation vouchers shall be assigned a schedule number prefixed by the letter "T" and taken from a series of numbers running consecutively for each fiscal year. The "T" numbers assigned to transportation voucher-schedules shall be taken from a series of numbers separate from the series assigned to voucher-schedules covering nontransportation charges.

§ 101–41.804–2 Listing of items on SF 1166 OCR.

Each basic voucher shall be listed on a voucher-schedule with all information required for check issuance purposes, and paid amounts must be clearly identified against individual carrier bills (see § 101–41.803 (a) and (c)). The maximum practical number of check issue entries, consistent with normal spacing requirements, shall be listed on each voucher-schedule page.

8. Sections 101–41.804–4 and 101–41.804–5 are revised to read as follows:

§ 101–41.804–4 Name and address space.

Generally, the disbursing office draws checks only from information recorded on the SF 1166 OCR. Thus, except as provided in § 101–41.805, the information shown in the name and address column shall be complete (including ZIP codes) but shall be restricted to the information to be shown on the face of the check. Long addresses shall be avoided unless necessary for postal identification. The format and State abbreviations developed by the U.S. Postal Service for addressing envelopes shall be used.

§ 101–41.804–5 Amount column.

The amount for which the check is to be drawn shall be imprinted in the amount column on the same line as the payee's name. The total of the amount column on the SF 1166 OCR must include all items listed on the continuation sheets and must agree with the aggregate of amounts classified by appropriation or fund in the appropriation summary block.

9. Section 101–41.805–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101–41.805–1 No-check vouchers.

* * * * *

(a) Vouchers requiring the processing of an accounting transaction for inclusion in the agency's SF 224, Statement of Transactions (Classified According to Appropriation, Fund, and Receipt Account, and Related Control Totals); SF 1220, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts; or SF 1221, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts (Foreign Service Account), or other approved reporting form, by transfer or without the issuance of a check shall be listed on SF 1166 OCR covering transportation vouchers for which checks are to be issued. Show the words "NO CHECK" in the amount column of SF 1166 OCR opposite the payee's name and address. The amount shall be shown on SF 1096, Schedule of Voucker Deductions, as provided in § 101–41.805–2.

(b) Vouchers which do not require the processing of an accounting transaction by the disbursing or accounting office for inclusion in the ageny's SF 224, SF 1220, SF 1221, or other approved reporting form, shall be scheduled separately. Such voucher-schedules shall be plainly marked "No-check vouchers." They shall not be submitted to disbursing officers for processing but shall be submitted to GSA (FWAA/C) for audit.

10. Section 101–41.805–2 is amended by revising the introductory text of paragraph (c) and paragraphs (c)(1) and (c)(2) to read as follows:

§ 101–41.805–2 Deductions from disbursement vouchers.

* * * * *

(c) When an amount is deducted from more than one basic voucher listed on an SF 1166 OCR, the agency shall take action as follows:

(1) Show the net amount payable to each payee in the amount column of the SF 1166 OCR;

(2) Record the total amount deducted as the last item in the address column of the SF 1166 OCR: "See attached SF 1096 No. —— $ ——";

* * * * *

11. Section 101–41.806 is recaptioned and §§ 101–41.806–1, 101–41.806–2, and 101–41.806–3 are revised to read as follows:

§ 101–41.806 Processing of SF 1166 OCR.

§ 101–41.806–1 Makeup and initial distribution of forms.

Agencies shall prepare an original SF 1166 OCR and at least two copies of the SF 1166–A OCR. The original and two copies shall be forwarded to the appropriate disbursing office for payment processing.

§ 101-41.806-2 Information to be furnished by the disbursing office.

The disbursing office (D.O.) shall clearly imprint within the PAID BY block the word "Paid"; the month, day, and year of payment; and the D.O. (station) symbol number. The disbursing office shall also list in the appropriate column opposite each payee's name the serial numbers of any checks issued in payment of the voucher.

§ 101-41.806-3 Disposition of forms after payment.

The disbursing office shall forward the payment check to the carrier-payee with pertinent tear-off slips (or Notice to Check Recipient, TFS Form 3039 bearing all information shown on the tear-off slips), return two copies of the voucher-schedule to the issuing agency, and retain the original voucher-schedule to support its statements of accountability. If neither a tear-off slip nor a Notice to Check Recipient is provided, the carrier's bill number and related payment amount for transportation charges, and payment amount for interest, if any, for that bill number must appear on the check. In distributing the accomplished voucher-schedule, the issuing agency shall use one copy to support its statement of transactions (SF 224, SF 1220, or SF 1221) and retain a copy in its files.

12. Section 101-41.807-1 is revised to read as follows:

§ 101-41.807-1 Identification of basic transportation payment documents.

Each basic transportation voucher (SF 1113) and its related voucher-schedule (SF 1166 OCR) shall be cross-referenced by voucher number (military agencies) or schedule number (civilian agencies) in the appropriate space to provide positive association of one with the other and the date of payment as shown in the PAID BY block of the voucher-schedule.

13. Section 101-41.807-2 is amended by revising paragraphs (a) and (d) to read as follows:

§ 101-41.807-2 Submission of transportation vouchers.

* * * * *

(a) Each month, after the statement of transactions (SF 224, SF 1220, or SF 1221) has been accomplished, the basic transportation vouchers and supporting documents shall be securely bound with cord or tape and forwarded promptly to the General Services Administration (FWAA/C), Washington, DC 20405.

* * * * *

(d) The cover or container of each package shall include the following information.

From: Names and address of transmitting office. Period of account. Package number ——— of ———.

Disbursing office symbol number. Package number ——— of ———.

To: General Services Administration, (FWAA/C), Washington, DC 20405.

14. Section 101-41.808-1 is revised to read as follows:

§ 101-41.808-1 New or discontinued agency stations.

Agencies shall notify the General Services Administration (FWCA), Washington, DC 20405, whenever a new or existing agency station is authorized to prepare voucher-schedules for transportation services or when an agency station is no longer so authorized. This notice shall show the name and station location of the bureau or office and the date on which its authority to schedule payments for transportation services was granted or discontinued.

Dated: March 30, 1987.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87-8351 Filed 4-14-87; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

[Circular No. 2593; AA-320-87-4220]

Special Laws and Rules; Restatement of Procedures for the Segregation and Opening of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking revises the regulations in subpart 2091 to place in one location the regulations that cover all forms of segregation of public lands, as well as the procedures under which those lands are opened to the operation of the public land laws and the mineral laws. This final rulemaking modernizes outdated provisions, making the subpart easier for the public to use in determining the status of public lands. The revision also makes it easier to improve the accuracy of the public land records.

EFFECTIVE DATE: May 15, 1987.

ADDRESS: Any inquiries or suggestions should be sent to: Director (320), Bureau of Land Management, Room 3643, Main Interior Bldg., 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, (202) 343-6486.

SUPPLEMENTARY INFORMATION: A proposed rulemaking revising the regulations in 43 CFR Subpart 2091 was published in the **Federal Register** on June 7, 1985 (50 FR 24124), with a 60-day comment period. During the comment period, comments were received from 25 sources, 3 from associations, 3 from businesses, 2 from State and local governments, 1 from an Indian tribe, 1 from a legal service group and 15 from Federal agencies. The comments generally supported the rulemaking, but made suggestions on specific sections of the proposed rulemaking. Those suggestions are discussed in this preamble. Only those sections that were the subject of comments are discussed.

A few of the comments wanted to be certain that the regulations and the opening orders would give everyone an equal opportunity for access to the public lands covered by an opening order. The proposed and final rulemaking are designed to summarize in one location the procedures that deal with the opening and closing of the public lands to provide the public with as much information as possible about those procedures and the steps required to gain access to public lands that have been opened by an opening order. This summarization does not change the provisions of the existing provisions in other parts of Title 43 relating to opening and closing.

One comment expressed the view that the existing notation rule used by the Bureau of Land Management needed to be revised. The changes contained in the proposed rulemaking, and continued by the final rulemaking, are designed to limit the use of the notation rule as the official procedure for disclosing the availability of the public lands for public use. The new procedures will, to the extent possible, eliminate the notation rule and provide greater public notice, through publication of opening and closing orders, of the status of the public lands. Publication of opening and closing orders should provide greater accessibility to information about the public lands for the public.

A couple of comments questioned whether the proposed rulemaking would require the publication of an opening order in every instance where the public lands are opened to entry under the public land laws. The proposed rulemaking, as well as the final rulemaking, was designed to require the publication of an opening order when the lands are opened to the public land laws, except in those instances where a statute provides for automatic opening upon the occurrence of an event, such as

the termination of an emergency withdrawal.

One comment pointed out that the proposed rulemaking did not address withdrawals made for reservoirs under the Act of October 2, 1888 (43 U.S.C. 662) and the Act of June 25, 1910 (43 U.S.C. 141), and suggested that the final rulemaking needed to specifically address these withdrawals. The final rulemaking does not specifically address these withdrawals. The statutory authority for these withdrawals was repealed by the Federal Land Policy and Management Act and any action on the existing withdrawals would be taken under procedures for withdrawal action under the Federal Land Policy and Management Act.

A couple of comments pointed out that the definition of the term "opening order" sets out the requirement for publication of that document in the **Federal Register** and questioned the need to repeat the instructions for publication in each of the sections that discusses opening orders. The final rulemaking continues to repeat the publication requirement in each of the sections where an opening order is mentioned. After careful review of this issue, it was determined that repeating the instructions would make clear the steps that were to be taken for publication of an opening order.

One comment suggested that the final rulemaking should provide for the posting of opening orders to assist in informing the public, especially those who do not have access to the **Federal Register**, of the opening of the public lands. The final rulemaking has not adopted this suggestion because existing Bureau of Land Management operating procedures require the posting of a copy of the **Federal Register** notice in the public room of each State office.

One comment raised questions about the intended effect of the proposed rulemaking. The proposed and final rulemakings are designed to summarize in one location the regulations that cover all forms of segregation and opening of the public lands. The requirements that must be followed in making a withdrawal are covered in those parts of Title 43 where the procedures for making a specific withdrawal are set out. This final rulemaking makes no changes in the withdrawal or classification requirements.

One comment questioned the removal by the proposed rulemaking of §§ 2091.5 and 2091.6–3 from the existing regulations and suggested that these sections should be reinstated by the final rulemaking. The final rulemaking has not adopted this suggestion and the sections have not been reinstated. These sections do not deal with the issue of segregation and opening of lands, but contain procedural instructions that are part of Bureau of Land Management's Manual system and will be followed in those instances when Indians are occupants of the public lands. This final rulemaking will have no effect on that existing procedure and the Bureau of Land Management will continue to follow the existing procedure that protects Indians who are occupants of the public lands. Finally, the final rulemaking will continue the procedure of segregating those public lands that are the subject of a properly filed application.

Comments on Specific Sections

Two comments pointed out that the authority section and authority citation provision did not contain a reference to the Alaska National Interest Lands Conservation Act. The final rulemaking corrects this oversight and includes a reference to that Act.

One comment suggested that the proposed rulemaking could be read to include lands of agencies other than the Bureau of Land Management. The proposed and final rulemakings deal with the opening and closing of those lands administered by the Secretary of the Interior through the Bureau of Land Management. Only those lands are covered by this final rulemaking even though the public land records of the Bureau show the status of the lands of other Federal agencies as required by statute. It should be noted that other agencies do not always keep the Bureau informed of changes in the status of lands under their jurisdiction, and this prevents the Bureau from maintaining current land records.

One comment was concerned that the proposed rulemaking did not continue segregation as a mechanism for protecting wildlife refuge lands from entry under the public land laws. These rulemakings are designed to deal only with lands under the jurisdiction of the Bureau of Land Management. Lands withdrawn or set aside for refuge purposes are protected under the regulations of the Fish and Wildlife Service.

The definition section of the proposed rulemaking was the subject of a number of comments. Several of the comments wanted new terms added to the section, while others requested that certain of the terms be amended. After careful review of the comments on this section, the final rulemaking adopts the language of the proposed rulemaking with an amendment in paragraph (b) that is a clarifying amendment.

A couple of comments raised questions about the availability of segregated lands for lease under the mineral leasing laws, with some reading the proposed rulemaking as closing all segregated lands to mineral leasing. Section 2091.0–7 makes this point clear in that it continues the policy of the Department of the Interior that lands are available for leasing under the mineral leasing laws, the Geothermal Steam Act and the material disposal laws unless the segregation provides otherwise. This final rulemaking continues unchanged the wording of the proposed rulemaking. This final rulemaking will continue the policy of the Secretary of the Interior of exercising his/her discretion under the mineral leasing laws, the Geothermal Steam Act and the material disposal laws unless the segregation specifies otherwise in order to provide special protection for the segregated lands.

The comments indicated some confusion about when lands are open to entry under the public land laws. One comment pointed out that there are situations where public lands are automatically opened without the issuance of an opening order and felt that the proposed rulemaking did not give proper recognition to this situation. The final rulemaking makes a change to § 2091.2–2(a)(2) of the proposed rulemaking to make it clear that lands are open as specified in the opening order. The proposed and final rulemakings contain provisions which allow automatic openings, as well as other actions that open lands.

A few comments on § 2091.1 of the proposed rulemaking raised the point that there are special statutory provisions concerning the filing of applications for lands in Alaska. In recognition of this situation, the final rulemaking has adopted language that clarifies this point.

One comment indicated that § 2091.1(b) of the proposed rulemaking was confusing and appeared to repeat the provisions of § 2091.0–7(a). The section has not been changed by the final rulemaking.

Several of the comments on § 2091.2 of the proposed rulemaking questioned the use of a notice of realty action as the method for classification of lands requiring classification actions. During its continuing efforts to update the provisions of Title 43 of the Code of Federal Regulations dealing with land disposals, the Bureau of Land Management is making the notice of realty action the vehicle for notification to the public that public lands are being made available for disposal. These changes, some of which are already in

place in Title 43, will standardize the use of the notice of realty action as the vehicle for land classification, a process that should clear up the confusion that was indicated in the comments on this issue.

One comment on § 2091.2–1 of the proposed rulemaking suggested that the final rulemaking provide that the filing of an application to exchange lands should segregate the public lands and pointed out that this amendment would follow the existing practice for exchanges of lands within the National Forest System. The final rulemaking has not adopted the suggestion. The exchange regulations, 43 CFR Group 2200, provide the authorized officer with latitude as to when the notice of realty action for an exchange should be issued in order to provide the greatest protection for the lands that are subject to the exchange. The Bureau of Land Management's experience shows that the finalization of an exchange normally takes longer than two years. However, the provisions of 43 CFR 2201.1(b) allow a 2-year period of segregation for exchanges and this final rulemaking cannot extend this period. Therefore, the 2-year period of segregation must be used at a point when it is most effective. If the segregation is imposed with the filing of the exchange proposal, the segregative effect would end before the exchange could be completed. This could result in entries on the lands that are the subject of the exchange that could jeopardize the exchange at a point where the parties had expended large amounts of time and money. For these reasons, the timing of the publication of the notice of realty action is left to field personnel who are responsible for completing the exchange.

Section 2091.2–2 of the proposed rulemaking was the subject of several comments, most of which raised points that they felt needed to be clarified. As a result of the concerns about clarity raised by the comments, the section was carefully reviewed to see if it could be clarified. The final rulemaking modifies the language of § 2091.2–2(a) of the proposed rulemaking to clarify an ambiguity about whether the lands are automatically opened when patented. Such action does terminate the segregative effect and the final rulemaking so states. The final rulemaking has adopted a suggested change to paragraph (a)(2) that makes it clear that the opening occurs on the date specified in the **Federal Register** notice, not upon publication in the **Federal Register**. Another suggested change that has been adopted by the final rulemaking is the inclusion of a reference to section 206 of the Federal Land Policy and Management Act. Finally, § 2091.2–2(c) of the proposed rulemaking has been amended by the final rulemaking to clarify that lands received by the United States as part of an exchange become open to "some or all of the public land laws," rather than open to all of the public land laws as stated in the proposed rulemaking.

Several comments were directed to § 2091.3 of the proposed rulemaking. One of the comments suggested that the final rulemaking should contain language covering land selections by the State of Alaska. This suggestion has not been adopted because the land selections of the State of Alaska are covered in § 2091.9 of the proposed and final rulemaking. These selections have been covered in a separate section because of the special nature of the land selection procedures for the State of Alaska, a procedure that did not fit with the provisions in the general sections.

A couple of the comments on § 2091.3–1(c) of the proposed rulemaking suggested the need to clarify the issue of when the segregation for an application to purchase Federally-owned mineral interests of the United States becomes effective. The final rulemaking has adopted a change which follows the provisions of 43 CFR Part 2720 and makes the segregation effective upon publication of the notice of the filing of an application to purchase Federally-owned mineral interests. This notice is to be published as soon as possible after the filing of the application in order to protect the lands from any unauthorized entry.

As suggested in a comment, the final rulemaking has adopted a change which adds the requirements of the Airport and Airway Improvement Act of 1982 to § 91.3–1(d) of the proposed rulemaking.

A couple of comments on § 2091.3–2 of the proposed rulemaking made the point that lands acquired through exchange should not be automatically opened to the public land laws. To clarify this point, the final rulemaking has adopted a change that specifies that the date on which lands acquired through exchange are open to the public land laws is the date of the publication of a notice of availability.

One comment questioned the inclusion of lands of the National Forest System in this proposed rulemaking which covers lands administered by the Secretary of the Interior through the Bureau of Land Management. These lands are included in both the proposed and final rulemaking because of the statutory authority given the Secretary of the Interior in connection with actions on National Forest exchanges.

One comment on § 2091.4 of the proposed rulemaking suggested that the phrase "leases, grants or contracts" be deleted. The final rulemaking has not adopted this suggestion, leaving the section as it appeared in the proposed rulemaking.

A comment on § 2091.4–1 of the proposed rulemaking expressed the view that there was a conflict between the language of the proposed rulemaking and § 2531.3 of the existing regulations. After a careful review of both sections, the final rulemaking retains § 2091.4–1 without change because there is no conflict between the two cited sections.

A comment on § 2091.4–3 of the proposed rulemaking wanted to know the effect of the segregation granted upon the signing of a Carey Act contract on the segregation that took effect upon filing of the application. The segregation created by the signing of a Carey Act contract is a new segregation that supersedes the prior segregation and is good for a period of 10 years, with the Secretary of the Interior having authority to extend that segregation for another 5 years. The final rulemaking makes no substantive change in this section of the proposed rulemaking.

The comments on §§ 2091.5, 2091.5–1 and 2091.5–2 of the proposed rulemaking pointed out several places where the proposed rulemaking was in error and needed clarification. The final rulemaking has adopted the suggestion that the word "withdrawals" be replaced with the word "segregations" because the latter word properly describes the action that occurs as a result of the filing of an application or proposal. Other comments on these sections of the proposed rulemaking make the point that the proposed rulemaking discusses "publication" without specifying where the publication is to be made. The final rulemaking adopts language requiring the publication to be in the **Federal Register.**

Nearly all of the comments on this section noted that the word "before" is used in error in § 2091.5–1(b) and that it should be replaced with the word "after." The final rulemaking has adopted this correction.

A couple of the comments on § 2091.5–2 of the proposed rulemaking indicated some confusion about segregations resulting from withdrawal applications filed prior to October 21, 1976. The final rulemaking makes no substantive changes in this section of the proposed rulemaking. The final rulemaking requires that any amended

withdrawal application filed prior to October 21, 1976, will subject the lands covered by the amended application to the requirements for a withdrawal application filed on or after October 21, 1976. One comment questioned what was meant by paragraph (b) of this section of the proposed rulemaking. That paragraph provides that lands affected by a subsequent amendment to a withdrawal application that had been filed prior to October 21, 1976, are subject to the same requirements as those for a withdrawal application filed on or after October 21, 1976. This means the segregation of all the lands covered by the amended application will terminate two years from the date of publication of the amendment. The final rulemaking makes no substantive change in this section.

Several comments were received on § 2091.5–3 of the proposed rulemaking. The comments raised the point that the language of the proposed rulemaking concerning the automatic termination of the emergency withdrawal was confusing and needed clarification. The final rulemaking has amended paragraph (b) to clarify that the segregative effect of an emergency withdrawal terminates unless it is continued by publication in the **Federal Register** of a notice of the filing of a withdrawal application or proposal covering all or part of the lands that were included in the emergency withdrawal.

Section 2091.5–4 of the proposed rulemaking was the subject of five comments. These comments raised questions about the procedures under which waterpower withdrawals can be terminated. After careful review of the proposed rulemaking and the comments, this section has been amended by the final rulemaking to clarify the procedures for opening lands covered by a waterpower withdrawal to the operation of the public land laws, including the mineral laws.

Section 2091.5–5 of the proposed rulemaking was the subject of six comments, with most of the comments raising questions about when lands covered by a Federal Power Act withdrawal that is vacated are opened. This section has been amended by the final rulemaking to clarify when such lands are opened, with the lands being opened when the vacated withdrawal is noted on the land records. The public is reminded that the Federal Power Act provides that lands covered by a Federal Power Act withdrawal are, at the time the withdrawal is vacated, subject for a period of 90 days to the right of the State where the lands are located to select a right-of-way for highway purposes. The final rulemaking also contains a reference to 43 CFR Part 3730 to give the interested public a better understanding of the effect of a Federal Power Act withdrawal.

Three comments were directed to § 2091.5–6 of the proposed rulemaking, with the comments expressing some confusion about the authority of the Secretary of the Interior in those instances where the Congress makes a withdrawal of the public lands and fails to specify the extent of the segregation. The final rulemaking has been amended to clarify the authority of the Secretary in such instances.

Only three comments were received on § 2091.6 of the proposed rulemaking. The comments were widely varied and raised questions about the effective date of a withdrawal and its termination. In order to assist the users of this section, the final rulemaking has added a reference to 43 CFR Part 2310—Withdrawals, General Procedure.

Section 2091.7–1 of the proposed rulemaking was the subject of eleven comments. A couple of the comments expressed the view that the section was too restrictive and should be simplified. After careful review, the title of the section has been changed by the final rulemaking to clarify that the section is applicable to all classification actions. The final rulemaking also replaces the word "cancellation" in § 2091.7–1(a)(2) with the word "classification," the word that was originally intended.

The comments on section 2091.7–2 of the proposed rulemaking raised questions about the provisions of this section. One comment pointed out that lands classified for disposal under the Recreation and Public Purposes Act and the Small Tract Act are segregated from the Mineral Leasing Act, which is inconsistent with the language of the proposed rulemaking. The final rulemaking has removed the reference to the mineral laws in the first sentence of the section. This change means that the classification notice will set out the extent of the segregative effect, including whether the lands are segregated from the mineral laws.

Sections 2091.9 through 2091.9–3 of the proposed rulemaking was the focus of three comments. One of the comments recommended that the final rulemaking repeat the provisions of 43 CFR Part 2650 that are applicable to opening and closing of the public lands. As stated earlier in this preamble, this part is a restatement of the provisions located in other parts of Title 43 of the Code of Federal Regulations on opening and closing of the public lands. Repeating these provisions is not required and the final rulemaking has not adopted the recommendation. The final rulemaking does make a correction in § 2091.9–3 by removing the phrase "Part 4220" and replacing it with the phase "Part 4200." While this final rulemaking cannot address the suggestion of one of the comments that the provisions of 43 CFR Part 2650 need to be updated, the Bureau of Land Management is reviewing Part 2650 to determine what, if any, changes are needed.

Editorial and grammatical corrections have been made as needed.

The principal author of this final rulemaking is Jim Powell, 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 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.).

The revision made by this final rulemaking is a restatement in one location of the existing procedures for segregating or opening the public lands to the various public land laws and the mineral laws. The final rulemaking makes no change in the procedures that exist in other parts of Title 43 of the Code of Federal Regulations, procedures that apply equally to all entities who desire to use the public lands.

Since this final rulemaking is a restatement of regulations that are located in other parts of Title 43 of the Code of Federal Regulations, there are no new information collection requirements requiring the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects 43 CFR Part 2090

Airports, Alaska, Coal, Grazing lands, Indian lands, Public lands, Public lands—classification, Public lands—mineral resources, Public lands—withdrawal, Seashores, Veterans.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1202), sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.), section 4 of the Act of August 18, 1894, as amended (43 U.S.C. 641 et seq.), the Act of March 3, 1877 (43 U.S.C. 231, 321, 3233, 325, 327–329), section 4 of the General Allotment Act of February 8, 1887 (25 U.S.C. 334), as amended by the

Act of February 18, 1891 (26 Stat. 794) and section 17 of the Act of June 25, 1910 (25 U.S.C. 336), the Act of March 20, 1922, as amended (16 U.S.C. 485), the Act of July 7, 1958 (72 Stat. 339–340), the Act of January 29, 1929, as supplemented (43 U.S.C. 852 Note), section 24 of the Federal Power Act, as amended (16 U.S.C. 818), section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1701 et seq.), Part 2090, Group 2000, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

James E. Cason,

Acting Assistant Secretary of the Interior.

March 25, 1987.

PART 2090—[AMENDED]

1. An authority citation for Part 2090 is added to read:

Authority: R.S. 2478 (43 U.S.C. 1201); R.S. 2275, 2276 (43 U.S.C. 851, 852); 43 U.S.C. 869 et seq.; 43 U.S.C. 641 et seq.; 43 U.S.C. 321–323; 43 U.S.C. 231, 321, 323, 327–329; 25 U.S.C. 334; 25 U.S.C. 336; 16 U.S.C. 485; 72 Stat. 339–340; 43 U.S.C. 852 note; 16 U.S.C. 818; 43 U.S.C. 315f; 43 U.S.C. 1601 et seq.; 16 U.S.C. 3101 et seq.; 43 U.S.C. 1701 et seq.; 30 U.S.C. 189; 48 U.S.C. 462 note; 43 U.S.C. 279–283.

2. Part 2090 is amended by revising subpart 2091 to read:

PART 2090—SPECIAL LAWS AND RULES

Subpart 2091—Segregation and Opening of Lands

Sec.

2091.0–1 Purpose.
2091.0–3 Authority.
2091.0–5 Definitions.
2091.0–7 Principles.
2091.1 Action on applications and mining claims.
2091.2 Segregation and opening resulting from publication of a Notice of Realty Action.
2091.2–1 Segregation.
2091.2–2 Opening.
2091.3 Segregation and Opening resulting from the filing of an application or offer.
2091.3–1 Segregation.
2091.3–2 Opening.
2091.4 Segregation and opening resulting from the allowance of entries, leases, grants or contracts.
2091.4–1 Segregation and opening—Desert land entries and Indian allotments.
2091.4–2 Segregation and opening—airport leases and grants.
2091.4–3 Segregation and opening—Carey Act.
2091.5 Withdrawals.
2091.5–1 Segregation of lands resulting from withdrawal applications filed on or after October 21, 1976.
2091.5–2 Segregation of lands resulting from withdrawal applications filed prior to October 21, 1976.
2091.5–3 Segregative effect and opening—emergency withdrawals.
2091.5–4 Segregative effect and opening—water power withdrawals.
2091.5–5 Segregative effect and opening—Federal Power Act withdrawals.
2091.5–6 Congressional withdrawals and opening of lands.
2091.6 Opening of withdrawn lands—general.
2091.7 Segregation and opening of lands for a specific use.
2091.7–1 Segregative effect and opening—classification.
2091.7–2 Segregative effect and opening—Taylor Grazing Act.
2091.9 Segregation and opening resulting from laws specific to Alaska.
2091.9–1 Alaska Native selections.
2091.9–2 Selections by the State of Alaska.
2091.9–3 Lands in Alaska under grazing lease.

Subpart 2091—Segregation and Opening of Lands

§ 2091.0–1 Purpose.

The purpose of this subpart is to provide a general restatement of the regulatory provisions in Title 43 of the Code of Federal Regulations dealing with the segregation and opening of public lands administered by the Secretary of the Interior through the Bureau of Land Management and summarize the existing procedures covering opening and closing of lands as they relate to the filing of applications. The provisions of this subpart do not replace or supersede any provisions of Title 43 covering opening and closing of public lands.

§ 2091.0–3 Authority.

Section 2478 of the Revised Statutes (43 U.S.C. 1201), sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.), section 4 of the Act of August 18, 1894, as amended (43 U.S.C. 641 et seq.), the Act of March 3, 1877 (43 U.S.C. 321–323), as amended by the Act of March 3, 1891 (43 U.S.C. 231, 321, 323, 325, 327–329), section 4 of the General Allotment Act of February 8, 1887 (25 U.S.C. 334), as amended by the Act of February 28, 1891 (26 Stat. 794) and section 17 of the Act of June 25 1910 (25 U.S.C. 336), the Act of March 20, 1922, as amended (16 U.S.C. 485), the Act of July 7, 1958 (72 Stat. 339–340), the Act of January 21, 1929, as supplemented (43 U.S.C. 852 Note), section 24 of the Federal Power Act, as amended (16 U.S.C. 818), section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

§ 2091.0–5 Definitions.

As used in this subpart, the term:

(a) "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.

(b) "Segregation" means the removal for a limited period, subject to valid existing rights, of a specified area of the public lands from the operation of some or all of the public land laws, including the mineral laws, pursuant to the exercise by the Secretary of regulatory authority for the orderly administration of the public lands.

(c) "Land" or "public lands" means any lands or interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) Lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts and Eskimos.

(d) "Mineral laws" means those laws applicable to the mineral resources administered by the Bureau of Land Management. They include, but are not limited to, the mining laws, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act.

(e) "Public lands records" means the Tract Books, Master Title Plats and Historical Indices maintained by the Bureau of Land Management, or automated representation of these books, plats and indices on which are recorded information relating to the status and availability of the public lands. The recorded information may include, but is not limited to, withdrawals, restorations, reservations, openings, classifications applications, segregations, leases, permits and disposals.

(f) "Opening" means the restoration of a specified area of public lands to operation of the public land laws, including the mining laws, and, if appropriate, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act, subject to valid existing rights and the terms and provisions of existing withdrawals, reservations, classifications, and management decisions. Depending on

the language in the opening order, an opening may restore the lands to the operation of all or some of the public land laws.

(g) "Opening order" means an order issued by the Secretary or the authorized officer and published in the **Federal Register** that describes the lands, the extent to which they are restored to operation of the public land laws and the mineral laws, and the date and time they are available for application, selection, sale, location, entry, claim or settlement under those laws.

(h) "Public land laws" means that body of laws dealing with the administration, use and disposition of the public lands, but does not include the mineral laws.

(i) "Revocation" means the cancellation of a Public Land Order, but does not restore public lands to operation of the public land laws.

(j) "Secretary" means the Secretary of the Interior or a secretarial officer subordinate to the Secretary who has been appointed by the President with the advice and consent of the Senate, and to whom has been delegated the authority of the Secretary to perform the duties described in this part as being performed by the "Secretary".

§ 2091.07 Principles.

(a) Generally, segregated lands are not available for application, selection, sale, location, entry, claim or settlement under the public land laws, including the mining laws, but may be open to the operation of the discretionary mineral leasing laws, the material disposal laws and the Geothermal Steam Act, if so specified in the document that segregates the lands. The segregation is subject to valid existing rights and is, in most cases, for a limited period which is specified in regulations or in the document that segregates the lands. Where there is an administrative appeal or review action on an application pursuant to part 4 or other subparts of this title, the segregative period continues in effect until publication of an opening order.

(b) Opening orders may be issued at any time but are required when the opening date is not specified in the document creating the segregation, or when an action is taken to terminate the segregative effect and open the lands prior to the specified opening date.

§ 2091.1 Action on applications and mining claims.

(a) Except where the law and regulations provide otherwise, all applications shall be accepted for filing. However, applications which are accepted for filing shall be rejected and cannot be held pending possible future availability of the lands or interests in lands, except those that apply to selections made by the State of Alaska under section 906(e) of the Alaska National Interest Land Conservation Act and selections made by Alaska Native Corporations under section 3(e) of the Alaska Native Claims Settlement Act, when approval of the application is prevented by:

(1) A withdrawal, reservation, classification, or management decision applicable to the lands;

(2) An allowed entry or selection of lands;

(3) A lease which grants the lessee exclusive use of the lands;

(4) Classifications existing under appropriate law;

(5) Segregation due to an application previously filed under appropriate law and regulations;

(6) Segregation resulting from a notice of realty action previously published in the **Federal Register** under appropriate regulations; and

(7) The fact that, for any reason, the lands have not been made subject to, restored or opened to operation of the public land laws, including the mineral laws.

(b) Lands may not be appropriated under the mining laws prior to the date and time of restoration and opening. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, vests no rights against the United States. Actions required to establish a mining claim location and to initiate a right of possession are governed by State laws where those laws are not in conflict with Federal law. The Bureau of Land Management does not intervene in disputes between rival locators over possessory rights because Congress has provided for the resolution of these matters in local courts.

§ 2091.2 Segregation and opening resulting from publication of a Notice of Realty Action.

§ 2091.2-1 Segregation.

The publication of a Notice of Realty Action in the **Federal Register** segregates lands that are available for disposal under:

(a) The Recreation and Public Purposes Act, as amended (43 U.S.C. 869-4), for a period of 18 months (See Part 2740 and Subpart 2912);

(b) The sales provisions of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) for a period of 270 days (See Part 2710); and

(c) The exchange provisions of section 206 of the Federal Land Policy and Management Act of 1976(43 U.S.C. 1716) for a period of 2 years (See Part 2200).

§ 2091.2-2 Opening.

(a) The segregative effect of a Notice of Realty Action automatically terminates either:

(1) At the end of the periods set out in § 2091.2-1 of this title (See Part 2740); or

(2) As of the date specified in an opening order published in the **Federal Register**; or

(3) Upon issuance of a patent or other document of conveyance; whichever occurs first.

(b) Lands conveyed under either the Recreation and Public Purposes Act or sections 203 and 206 of the Federal Land Policy and Management Act, upon opening, remain segregated from the mining laws pending the issuance of such regulations as the Secretary may prescribe.

(c) Lands conveyed to the United States by exchange become public lands upon acceptance of title by the United States and become open to the operation of some or all of the public land laws, to the extent and on the date and time set forth in an opening order published in the **Federal Register**.

§ 2091.3 Segregation and opening resulting from the filing of an application or offer.

§ 2091.3-1 Segregation.

(a) The filing of an application for lands for selection by a State (exclusive of Alaska) segregates the lands included in the application for a period of 2 years from the date the application is filed. (See Subparts 2621 and 2622)

(b) The filing of a notice of an offer for exchange of lands within the National Forest System segregates the lands for a period of 2 years from the date of such filing with the authorized office. (See § 2203.1(b))

(c) The filing of an application and publication of the notice of the filing of an application in the **Federal Register** for the purchase of Federally-owned mineral interests under section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719) segregates the lands for a period of 2 years from the date of the publication of the notice of filing of the application with the authorized officer. (See Part 2720)

(d) The filing of an application for an airport lease under the Act of May 24, 1928, as amended (49 U.S.C. Appendix 211-213), or the filing of a request for an airport conveyance under the Airport and Airway Improvement Act of 1982

(49 U.S.C. 2215), segregates the lands as of the date of filing with the authorized officer. (See Part 2640 and Subpart 2911)

§ 2091.3-2 Opening.

(a) If the application or offer described in § 2091.3-1 of this title is not denied or otherwise terminated prior to the end of the 2-year segregative period, the segregative effect of the filing of the application or offer terminates either:

(1) Upon the issuance of a patent, other document of conveyance or lease to such lands; or

(2) Upon publication in the **Federal Register** of an opening order terminating the segregative effect and specifying the date and time of opening; or

(3) Automatically upon the expiration of the 2-year period commencing on the date the application or offer is filed; whichever occurs first.

(b) If the application or offer described in § 2091.3-1 of this title is denied or otherwise terminated prior to the end of the 2-year segregation period, the lands are opened by publication in the **Federal Register** of an opening order specifying the date and time of opening.

(c) Lands conveyed to the United States within the National Forest System under the authority of the Act of March 20, 1922, as amended (16 U.S.C. 485), or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) are open to operation of all laws and regulations applicable to National Forest System lands on the date the lands are transferred to the National Forest System; and the public lands, as applicable, on the date of publication of a notice of availability.

§ 2091.4 Segregation and opening resulting from the allowance of entries, leases, grants or contracts.

§ 2091.4-1 Segregation and opening—Desert land entries and Indian allotments.

(a) Lands covered by an application for a desert land entry or Indian allotment become segregated on the date of allowance or approval of entry or allotment by the authorized officer. (See Parts 2520 and 2530).

(b) If an entry or allotment is cancelled or relinquished, the lands become open to the operation of the public land laws by publication in the **Federal Register** of an opening order which specifies the date and time of opening. (See Parts 2520 and 2530).

§ 2091.4-2 Segregation and opening—airport leases and grants.

(a) The issuance of a lease for airport purposes under the authority of the Act of May 24, 1928 or a patent or document of conveyance for airport and airway purposes under the authority of the Act of September 3, 1982, as amended (49 U.S.C. 2215), continues to segregate the lands. (See Part 2640 and Subpart 2911)

(b) If an airport lease is terminated, the lands are opened by publication in the **Federal Register** of an opening order which specifies the date and time of opening.

(c) The lands covered by an airport lease or grant remain open to the operation of the mineral leasing laws, the material disposal laws and the Geothermal Steam Act, but are segregated from the operation of the mining laws pending the issuance of such regulations as the Secretary may prescribe (See Part 2640 and Subpart 2911).

§ 2091.4-3 Segregation and opening—Carey Act.

(a) For lands covered by a Carey Act grant, publication of a notice in the **Federal Register** that a contract has been signed segregates the lands described in the contract, as of the date of publication of a 10 year period, from operation of the public land laws and the mineral laws as described in the notice. (See Part 2610).

(b) If the contract under the Carey Act is terminated, the lands are opened by publication in the **Federal Register** of an opening order which specifies the date and time of opening. Preference right of entry to Carey Act entrymen may be provided in accordance with the provisions of Subpart 2613 of this title.

§ 2091.5 Withdrawals.

§ 2091.5-1 Segregation of lands resulting from withdrawal applications filed on or after October 21, 1976.

(a) Publication in the **Federal Register** of a notice of an application or proposal for withdrawal, as provided in Subpart 2310 of this title, segregates the lands described in the withdrawal application or proposal to the extent specified in the notice. The segregative effect becomes effective on the date of publication and extends for a period of 2 years unless sooner terminated as set out below.

(b) Segregations resulting from applications and proposals filed on or after October 21, 1976, terminate:

(1) Automatically upon the expiration of a 2 year period from the date of publication in the **Federal Register** of the notice of the filing of an application or proposal for withdrawal;

(2) Upon the publication in the **Federal Register** of a Public Land Order effecting the withdrawal in whole or in part;

(3) Upon the publication in the **Federal Register** of a notice denying the withdrawal application or proposal, in whole or in part, giving the date and time the lands shall be open; or

(4) Publication in the **Federal Register** of a notice of request for cancellation of a withdrawal application or proposal, in whole or in part, giving the date and time the lands are open.

§ 2091.5-2 Segregation of lands resulting from withdrawal applications filed prior to October 21, 1976.

(a)(1) Lands covered by a withdrawal application or withdrawal proposal filed prior to October 21, 1976, were segregated on the date the application was properly filed and remain segregated through October 20, 1991, to the extent specified in notices published in the **Federal Register**, unless the segregative effect is terminated prior to that date in accordance with procedures in § 2091.5-1 of this title.

(2) Any amendment made to a withdrawal application filed prior to October 21, 1976, for the purpose of adding lands modifies the term of segregation for all lands covered by the amended application to conform with the provision of § 2091.5-1 of this title.

(b) Segregations resulting from applications filed under this section terminate in accordance with procedures in § 2091.5-1 of this title.

§ 2091.5-3 Segregative effect and opening—emergency withdrawals.

(a) When the Secretary determines that an emergency exists and extraordinary measures need to be taken to preserve values that would otherwise be lost, a withdrawal is made immediately in accordance with § 2310.5 of this title. Emergency withdrawals are effective on the date the Public Land Order making the withdrawal is signed, and cannot exceed 3 years in duration and may not be extended.

(b) The lands covered by an emergency withdrawal are opened automatically on the date of expiration of the withdrawal unless segregation is effected by the publication in the **Federal Register** of a notice of a withdrawal application or proposal.

§ 2091.5-4 Segregative effect and opening—water power withdrawals.

(a) Lands covered by powersite reserves, powersite classifications, and powersite designations are considered withdrawn and are segregated from operation of the public land laws, but are not withdrawn and segregated from the operation of the mineral laws.

(b) These lands may be opened to operation of the public land laws after a revocation or cancellation order issued by the Department of the Interior or after a determination to open the lands is made by the Federal Energy Regulatory Commission under section 24

of the Federal Power Act. (See Subpart 2320) Mining claims may be located on such lands under procedures in Subpart 3730 of this title. These lands are opened by publication in the **Federal Register** of an opening order specifying the extent, date and time of opening.

§ 2091.5–5 Segregative effect and opening—Federal Power Act withdrawals.

(a)(1) The filing of an application for a power project with the Federal Energy Regulatory Commission withdraws the lands covered by the application from the operation of the public land laws; however, the lands remain open to the location, lease or disposal of the mineral estate.

(2) The issuance of a permit or license for a project by the Federal Energy Regulatory Commission withdraws the lands from the operation of the mining laws. (See Part 3730).

(b) Lands withdrawn under section 24 of the Federal Power Act remain withdrawn until the withdrawal is vacated and the lands opened by proper authority.

(c) After a withdrawal has been vacated, the lands are opened to the operation of the public land laws by notation of the lands records to that effect.

§ 2091.5–6 Congressional withdrawals and opening of lands.

(a) Congressional withdrawals become effective and are terminated as specified in the statute making the withdrawal. If the statute does not specify the date, duration and extent of segregation, the Secretary shall publish in the **Federal Register** a Public Land Order so specifying.

(b) If the statute does not specify when and to what extent the lands are to be opened, the Secretary publishes in the **Federal Register** an opening order so specifying.

§ 2091.6 Opening of withdrawn lands—general.

The term of a withdrawal ends upon expiration under its own terms, or upon revocation or termination by the Secretary by publication in the **Federal Register** of a Public Land Order. Lands included in a withdrawal that is revoked, terminates or expires do not automatically become open, but are opened through publication in the **Federal Register** of an opening order. An opening order may be incorporated in a Public Land Order that revokes or terminates a withdrawal or may be published in the **Federal Register** as a separate document. In each case, the opening order specifies the time, date and specific conditions under which the lands are opened. (See Subpart 2310.)

§ 2091.7 Segregation and opening of lands classified for a specific use.

§ 2091.7–1 Segregative effect and opening classifications.

(a)(1) Lands classified under the authority of the Recreation and the Public Purposes Act, as amended (43 U.S.C. 869–4), and the Small Tract Act (43 U.S.C. 682a) are segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, the material disposal laws, and the Geothermal Steam Act, except as provided in the notice of realty action.

(2) Lands classified under the authority of the Classification and Multiple Use Act (43 U.S.C. 1411–18) are segregated to the extent described in the notice of classification.

(b) The segregative effect of the classification described in § 2091.7–1 of this title terminates and the lands are opened under the following procedures:

(1) Recreation and Public Purposes Act classifications; (i) Made after the effective date of these regulations terminate and the lands automatically become open at the end of the 18-month period of segregation specified in part 2470 of this title, unless an application is filed; (ii) made prior to the effective date of these regulations where the 18-month period of segregation specified in part 2470 of this title is in effect on the effective date of these regulations, expire and the lands automatically become open at the end of the 18-month period of segregation unless an application is filed; (iii) made prior to the effective date on these regulations where the 18-month period of segregation has expired prior to the effective date of these regulations, terminate by publication in the **Federal Register** of an opening order specifying the date and time of opening.

(2) Small Tract Act classifications terminate by publication in the **Federal Register** of an opening order specifying the date and time of opening.

(3) Classification and Multiple Use Act classification shall be terminated by publication in the **Federal Register** of an opening order specifying the date and time of opening.

§ 2091.7–2 Segregative effect and opening—Taylor Grazing Act.

Lands classified under section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), are segregated to the extent described in the classification notice. The segregative effect for Desert Land entries, Indian allotments, State selections (exclusive of Alaska) and Carey Act grants made after the effective date of these regulations remains in effect until terminated by publication in the **Federal Register** of an opening order specifying the date and time of opening or upon issuance of a patent or other document of conveyance,

§ 2091.9 Segregation and opening resulting from laws specific to Alaska.

§ 2091.9–1 Alaska Native selections.

The segregation and opening of lands authorized for selection and selected by Alaska Natives under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), are covered by Part 2650 of this title.

§ 2091.9–2 Selections by the State of Alaska.

The segregation and opening of lands authorized for selection and selected by the State of Alaska under the various statutes granting lands to the State of Alaska are covered by Subpart 2627 of this title.

§ 2091.9–3 Lands in Alaska under grazing lease.

The segregation and opening of lands covered by the Act of March 4, 1927 (43 U.S.C. 316, 316a–316o) are covered by Part 4200 of this title.

[FR Doc. 87–8342 Filed 4–14–87; 8:45 am]
BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6749]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the forth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant

Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest Room 416 Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new contruction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measure after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and indentified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I					
Maine	Hudson, town of, Penobscot County.	230392	June 24, 1977, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Apr. 17, 1987.
Vermont	Johnson, town of Lamoille County.	500063	May 13, 1975, Emergency; Feb. 1, 1979, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Region IV					
Mississippi	Warren County, Unicorporated Areas.	280198	Dec. 26, 1973, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
South Carolina	Charleston County, Unicorporated Areas.	455413	June 30, 1970, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Do	McClellanville, town of, Charleston County.	450039	Dec. 16, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Do	Walterboro, city of, Colleton County.	450058	Apr. 2, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Region V					
Indiana	La Fontaine, town of, Wabash County.	180267	June 4, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do

State	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Ohio	Enon, village of, Clark County	390795	Sept. 12, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Wisconsin	Dousman, village of, Waukesha County.	550480	June 30, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Minimal Conversions					
Region I					
Maine	Frenchboro, town of, Hancock County.	230594	Apr. 25, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1986, Suspension.	Apr. 17, 1987.	Apr. 17, 1987
Do	Troy, town of, Waldo County	230269	Mar. 15, 1976, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Region II					
New York	Laurens, village of, Otsego County.	361351	Jan. 27, 1976, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do
Region III					
West Virginia	Junior, town of, Barbour County	540001	Nov. 21, 1975, Emergency; Apr. 17, 1987, Regular; Apr. 17, 1987, Suspension.	Apr. 17, 1987.	Do

Code for reading fifth column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.

Harold T. Duryee,
Administrator, Federal Insurance Administration.

Issued: April 9, 1987.

[FR Doc. 87-8388 Filed 4-14-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-55; RM-4861]

Television Broadcasting Services; Bradenton, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document assigns UHF television Channel 66 to Bradenton, Florida, in response to a petition for reconsideration filed by Broadcast Technical Services, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 26, 1987.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-55, adopted February 27, 1987, and released April 8, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.606 [Amended]

2. In § 73.606(b), Table of Assignments, the entry for Bradenton, Florida, Channel 66, is added.

Federal Communications Commission.

Mark N. Lipp,
Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-8409 Filed 4-14-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-98; RM-5188, 5375]

Radio Broadcasting Services; Seymour and Pigeon Forge, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242A to Seymour, Tennessee, as that community's first FM service at the request of William J. Miller. A site restriction of 3.4 kilometers (2.1 miles) northeast of Seymour is required. In addition, this action denies the mutually exclusive petition of J.A. Adams requesting the allotment of Channel 242A to Pigeon Forge, Tennessee. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 26, 1987; The window period for filing applications will open on May 27, 1987 and close on June 25, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-98, adopted February 27, 1987, and released April 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.