

10 a.m., on February 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on February 5, 1981, the land will be open to location under the U.S. mining laws, and to applications and offers under the mineral leasing laws for all minerals except oil and gas and other hydrocarbon substances, helium and carbon dioxide.

Oil and gas and other hydrocarbon substances, helium and carbon dioxide with the right to prospect for, mine and remove same were retained by the State of New Mexico when the land was reconveyed to the United States.

Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Guy R. Martin,

Assistant Secretary of the Interior.

December 31, 1980.

[FR Doc. 81-810 Filed 1-9-81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 332

[Docket No. FEMA PP-44-332]

Voluntary Agreements: Standards and Procedures

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency with the concurrence of the United States Department of Agriculture, Department of Defense, Department of the Interior, Department of Commerce and Department of Transportation is issuing standards and procedures relating to the voluntary agreements under section 708 of the Defense Production Act of 1950, as amended. The Attorney General, after consultation with the Chairman of the Federal Trade Commission, has granted his approval. The regulation sets out standards and procedures for developing these agreements, carrying them out, including the conduct of meetings, terminating or modifying the agreements and public access to records and meetings. Antitrust immunity may be given to representatives of industry or other interests who, under prescribed conditions and with appropriate governmental approval, enter into these voluntary agreements to help provide for the defense of the United States.

EFFECTIVE DATE: January 9, 1981.

ADDRESS: Resources Preparedness Office, Office of Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Messrs. M. Arnold Marvin or Clair Blong, Resources Management Division, FEMA (202-566-1324).

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the *Federal Register* on December 12, 1979, and comments were due by February 11, 1980. The regulation was proposed to be codified at 32A CFR Part 166. However, as of July 1, all FEMA regulations in Title 32A of CFR were transferred to Title 44 CFR. This regulation therefore has been redesignated as 44 CFR Part 332.

No comments were received from the public. The Assistant Attorney General, Antitrust Division, required clarifying amendments to § 332.2(e)(1) and (3) which have been made.

Subsection 708(c)(1) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2158), hereinafter referred to as DPA, provides that:

*** Upon finding that conditions exist which may pose a direct threat to the national defense or its preparedness programs, the President may consult with representatives of industry, business, financing, agriculture, labor, and other interests in order to provide for the making by such persons, with the approval of the President, of voluntary agreements to help provide for the defense of the United States through the development of preparedness programs and expansion of productive capacity and supply beyond levels needed to meet essential civilian demand in the United States.

The authority of the President delegated to the Administrator of General Services by Section 501 of Executive Order 10480, as amended by Executive Order 11956, and pursuant to Section 1 of Executive Order 12148, has been transferred to the Director of the Federal Emergency Management Agency. This authority, subject to the direction and control of the Director of FEMA, has also been delegated to the Secretaries of Defense, the Interior, Agriculture, Commerce, and Transportation, except that for the purpose of carrying out the objectives of Title I of the DPA concerning priority performance of contracts and orders and allocations of materials and facilities, the authority may be exercised only by the Director of the Federal Emergency Management Agency.

Under subsection 708(e) of the DPA, the director of FEMA has authority to promulgate rules by which these voluntary agreements may be developed

and carried out. The following rules, establishing the basic framework for the development and carrying out of voluntary agreements, have been concurred in by the action agencies for voluntary agreements. These are the United States Department of Agriculture, Department of Defense, Department of the Interior, Department of Commerce, and the Department of Transportation. The Attorney General, pursuant to Section 708(e)(1), has approved the regulation. These rules are arranged in a chronological manner from initiation of events to development of a voluntary agreement to the carrying out of an approved voluntary agreement. It should be noted that these rules apply only to the development and carrying out of voluntary agreements to effectuate the purposes of the DPA and do not apply to the development or carrying out of voluntary agreements under the Energy Policy and Conservation Act.

In addition to the requirements of these rules, once adopted, certain other requirements may pertain to the development or carrying out of voluntary agreements to effectuate the purposes of the DPA. Section 708(i) of the DPA directs the Attorney General and the Chairman of the Federal Trade Commission to promulgate such rules as each deems necessary or appropriate to carry out his responsibility under Section 708 of the DPA.

It is necessary to continue in effect certain existing voluntary agreements which expire in the near future. Hence, for good cause, this rule is made effective immediately upon publication.

A finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with 44 CFR Part 10. Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provision of the Executive Order 12044 dated March 23, 1978, and does not impose an unnecessary burden on the small business sector of the economy.

This regulation essentially is administrative in nature. It does not impact, adversely, on the central cities, suburban communities, nor non-metropolitan communities. As provided in Executive Order 12044, March 23, 1978, this regulation does not have any significant economic consequence on the general economy, individual industries, geographic regions or levels of government.

Accordingly, subchapter E of Chapter 1, Title 44 Code of Federal Regulations is amended by adding a new Part 332 as follows:

PART 332—VOLUNTARY AGREEMENTS UNDER SECTION 708 OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Sec.

- 332.1 General provisions.
- 332.2 Developing voluntary agreements.
- 332.3 Carrying out voluntary agreements.
- 332.4 Termination or modifying voluntary agreements.
- 332.5 Public access to records and meetings.

Authority: Sec. 708, Defense Production Act of 1950, as amended (50 U.S.C. App. 2158); E.O. 10480, 3 CFR 1949-1953 Comp. p. 961, as amended; E.O. 12148, 44 FR 43239.

§ 332.1 General provisions.

(a) Pursuant to Section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2158), the President may consult with representatives of industry, business, financing, agriculture, labor, or other interests, and may approve the making of voluntary agreements to help provide for the defense of the United States by developing preparedness programs and expanding productive capacity and supply beyond levels needed to meet essential civilian demand.

(b) *Sponsor.* (1) As used in this Part, "sponsor" of a voluntary agreement is an officer of the Government who, pursuant to a delegation or redelegation of the functions given to the President by Section 708 of the Defense Production Act (DPA) of 1950, as amended, proposes or otherwise provides for the development or carrying out of a voluntary agreement.

(2) The use of voluntary agreements, as authorized by Section 708 of the DPA to help provide for the defense of the United States **through the development of preparedness programs**, is an activity coordinated by the Director of the Federal Emergency Management Agency, as provided by Sections 101 and 501(a) of Executive Order 10480, as amended.

(3) The sponsor of a voluntary agreement shall carry out sponsorship functions subject to the direction and control of the Director of the Federal Emergency Management Agency.

(c) This Part applies to the development and carrying out under Section 708 of the DPA, as amended, of all voluntary agreements, and the carrying out of any voluntary agreement which was entered into under former Section 708 of the DPA and in effect immediately prior to April 14, 1976, and which is in a period of extension as

authorized by subsection 708(f)(2) of the DPA.

(d) The rules in the Part void any provision of a voluntary agreement to which they apply, if that provision is contrary to or inconsistent with them. Each voluntary agreement shall be construed as containing every substantive provision that these rules require, whether or not a particular provision is included in the agreement.

(e) Pursuant to subsection 708(d) of the DPA, the sponsor may establish such advisory committees as he deems to be necessary for developing or carrying out voluntary agreements. Such advisory committees shall comply with this Part as well as with the requirements and procedures of the Federal Advisory Committee Act (Pub. L. 92-463, as amended).

§ 332.2 Developing voluntary agreements.

(a) *Purpose and scope.* This section establishes the standards and procedures by which voluntary agreements may be developed through consultation, pursuant to subsection 708(c) of the DPA.

(b) *Proposal to develop an agreement.*

(1) A sponsor who wishes to develop a voluntary agreement shall submit to the Attorney General and the Director of the Federal Emergency Management Agency a document proposing the agreement. The proposal will include statements as to: the purpose of the agreement; the factual basis for making the finding required in subsection 708(c)(1) of the DPA; the proposed participants in the agreement; and any coordination with other Federal agencies accomplished in connection with the proposal.

(2) If the Attorney General, after consultation with the Chairman of the Federal Trade Commission, approves this proposal, the sponsor shall then initiate one or more meetings of interested persons to develop the agreement.

(c) *Conduct of meetings held to develop the agreement.* (1) The sponsor shall give to the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Federal Emergency Management Agency adequate written notice of each meeting to develop a voluntary agreement. The sponsor shall also publish in the **Federal Register** notice of the time, place, and nature of each meeting at least seven days prior to the meeting.

(2) The sponsor shall chair each meeting held to develop a voluntary agreement. Both the Attorney General and the Chairman of the Federal Trade

Commission, or their delegates, shall attend each of these meetings.

(3) Any interested person may attend a meeting held to develop a voluntary agreement, unless the sponsor of the agreement limits attendance pursuant to Section 5 of this Part.

(4) Any interested person may, as set out in the **Federal Register** meeting notice, submit written data and views concerning the proposed voluntary agreement, and at the discretion of the Chairman of the meeting, may be given the opportunity for oral presentation.

(d) *Maintenance of records.* (1) The sponsor is responsible for the making of a full and verbatim transcript of each meeting. The Chairman shall send this transcript, and any voluntary agreement resulting from the meeting, to the Attorney General, the Chairman of the Federal Trade Commission, the Director of the Federal Emergency Management Agency, and any other party or repository required by law.

(2) The sponsor of a voluntary agreement shall maintain each meeting transcript and voluntary agreement, and make them available for public inspection and copying the extent required by Section 5 of this Part.

(e) *Effectiveness of agreements.* The following steps must occur before a new voluntary agreement or an extension of an existing agreement may become effective:

(1) The sponsor must approve the agreement and certify in writing that it is necessary to carry out the purposes of subsection 708(c)(1) of the DPA;

(2) The Director of the Federal Emergency Management Agency must approve this certification, and submit it to the Attorney General with a request for a written finding; and

(3) The Attorney General, after consulting with the Chairman of the Federal Trade Commission, must issue a written finding that the purposes of subsection 708(c)(1) can not reasonably be achieved through a voluntary agreement having less anti-competitive effects or without any voluntary agreement.

§ 332.3 Carrying out voluntary agreements.

(a) *Purpose and scope.* This section establishes the standards and procedures by which the participants in each approved voluntary agreement shall carry out the agreement.

(b) *Participants.* The participants in each voluntary agreement shall be reasonably representative of the appropriate industry or segment of that industry.

(c) *Conduct of meetings held to carry out an agreement.* (1) The sponsor of a

voluntary agreement shall initiate, or approve in advance, each meeting of the participants in the agreement held to discuss problems, determine policies, recommend actions, and make decisions necessary to carry out the agreement.

(2) The sponsor shall provide to the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Federal Emergency Management Agency adequate prior notice of the time, place, and nature of each meeting, and a proposed agenda of each meeting. The sponsor shall also publish in the **Federal Register**, reasonably in advance of each meeting, a notice of time, place, and nature of the meeting. If the sponsor has determined, pursuant to Section 5 of this Part, to limit attendance at the meeting, the sponsor shall publish this **Federal Register** notice within ten days of the meeting.

(3) Any interested person may attend a meeting held to carry out a voluntary agreement unless the sponsor has restricted attendance pursuant to Section 5 of this Part. A person attending a meeting under this section may present oral or written data, views, and arguments to any limitations on the manner of presentation that the sponsor may impose.

(4) No meeting shall be held to carry out any voluntary agreement unless a Federal employee, other than an individual employed pursuant to 5 U.S.C. 3109, is in attendance. Any meeting to carry out a voluntary agreement may be attended by the sponsor of the agreement, the Attorney General, the Chairman of the Federal Trade Commission, the Director of the Federal Emergency Management Agency, or their delegates.

(5) Notwithstanding any other provision of this section, a meeting between a single participant and the sponsor solely to deliver or exchange information is not subject to the requirements and procedures of this section, provided that a copy of the information is promptly delivered to the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Federal Emergency Management Agency.

(d) *Maintenance of records.* (1) The participants in any voluntary agreement shall maintain for five years all minutes of meetings, transcripts, records, documents, and other data, including any communications among themselves or with any other member of their industry, related to the carrying out of the voluntary agreement. The participants shall agree, in writing, to make available to the sponsor, the Attorney General, the Chairman of the

Federal Trade Commission and the Director of the Federal Emergency Management Agency for inspection and copying at reasonable times and upon reasonable notice any item that this section requires them to maintain.

(2) Any person required by this paragraph to maintain records shall indicate specific portions, if any, that such person believes should not be disclosed to the public pursuant to Section 5 of this Part, and the reasons therefor. Any item made available to a Government official named in this paragraph shall be available from that official for public inspection and copying to the extent set forth in Section 166.5 of this Part.

§ 332.4 Termination or modifying voluntary agreements.

The Attorney General may terminate or modify a voluntary agreement, in writing, after consultation with the Chairman of the Federal Trade Commission and the sponsor of the agreement. The sponsor of the agreement, with the concurrence of or at the direction of the Director of the Federal Emergency Management Agency, may terminate or modify a voluntary agreement, in writing, after consultation with the Attorney General and the Chairman of the Federal Trade Commission. Any person who is a party to a voluntary agreement may terminate his participation in the agreement upon written notice to the sponsor. Any antitrust immunity conferred upon the participants in that agreement by subsection 708(j) of the DPA shall not apply to any act or omission occurring after the termination of the voluntary agreement. Immediately upon modification of a voluntary agreement, no antitrust immunity shall apply to any subsequent act or omission that is beyond the scope of the modified agreement.

§ 332.5 Public access to records and meetings.

(a) Interested persons may, pursuant to 5 U.S.C. 552, inspect or copy any voluntary agreement, minutes of meetings, transcripts, records, or other data maintained pursuant to these rules.

(b) Except as provided by paragraph (c) of this section, interested persons may attend any part of a meeting held to develop or carry out a voluntary agreement pursuant to these rules.

(c) The sponsor of a voluntary agreement may withhold material described in this section from disclosure and restrict attendance at meetings only on the grounds specified in:

(1) Section 552(b)(1) of 5 U.S.C., which applies to matter specifically required

by Executive Order to be kept secret in the interest of the national defense or foreign policy. This section shall be interpreted to include matter protected under Executive Order 12065, dated June 28, 1978 (3 CFR 1979-1975 Comp. p. 678), establishing categories and criteria for classification; and

(2) Section 552(b)(3) of 5 U.S.C., which applies to matter specifically exempted from disclosure by statute; and

(3) Section 552(b)(4) of 5 U.S.C., which applies to trade secrets and commercial or financial information obtained from a person as privileged and confidential.

Dated: October 20, 1980.

John W. Macy, Jr.,

Director.

Department of Transportation, Office of the Secretary

For the United States Department of Transportation, I concur in the attached regulations of the Federal Emergency Management Agency (FEMA) implementing section 708 of the Defense Production Act of 1950, as amended, entitled "Voluntary Agreements: Standards and Procedures" (Docket No. FEMA PP-44-332) to be codified as 44 CFR Part 332.

Issued in Washington, D.C. on November 21, 1980.

Neil Goldschmidt,

Secretary of Transportation.

Department of the Interior

The Department of Interior has concurred in the regulations on Voluntary Agreements in 44 CFR Part 332.

Dated: December 22, 1980.

Joseph W. Gorrell,

Acting Assistant Secretary, Energy and Minerals.

Department of Defense

The Department of Defense has concurred in the regulations on Voluntary Agreements in 44 CFR Part 332.

Dated: November 18, 1980.

Walter La Berge

Under Secretary of Defense for Research and Engineering.

Department of Commerce

The Department of Commerce has concurred in the regulations on Voluntary Agreements in 44 CFR Part 332.

Dated: November 14, 1980.

Phillip W. Klutznick.

Department of Agriculture

The Department of Agriculture has concurred in the regulations on

Voluntary Agreements in 44 CFR Part 332.

Dated: December 5, 1980.

Jim Williams,

Acting Secretary.

[FR Doc. 81-332 Filed 1-8-81; 8-45 am]

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[Gen. Docket 79-263; FCC 80-670]

Amendment of Freedom of Information Rules To Modify Fees for Record Searches

Correction

In FR Doc. 80-40278 appearing at page 85027 in the issue for Wednesday, December 24, 1980, make the following corrections:

(1) In the "For Further Information Contact" paragraph, Norman B. Blumenthal's telephone number should have read "(202) 632-6990".

(2) On page 85027, in the third column, the last eight lines of the column should have appeared at the bottom of the middle column immediately above footnote 1.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Subtitle A

Voluntary Agreements Under Section 708 of the Defense Production Act of 1950, as Amended

Cross Reference: For a document that promulgates standards and procedures for these voluntary agreements, see FR Doc. 81-332, appearing under Title 44 in the Rules and Regulations section of this Federal Register. This document has been issued by the Federal Emergency Management Agency and concurred in by the Departments of Defense, Interior, Agriculture, Commerce, and Transportation. Refer to the listing for the Federal Emergency Management Agency in the table of contents at the front of this issue to determine the appropriate page number.

BILLING CODE 4210-23-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in Florida, Georgia, and South Carolina

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Florida and Georgia is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the condition under which sport fishing will be permitted on these areas during the 1981 fishing season.

DATES: Effective on date of publication through calendar year 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Donald J. Hankla, Area Manager, U.S. Fish and Wildlife Service, 15 N. Laura Street, Jacksonville, Florida 32202. Telephone: 904-701-2287.

John P. Davis, Refuge Manager, Savannah (and Blackbeard Island) National Wildlife Refuge, P.O. Box 8487, Savannah, Georgia 31412. Telephone: 912-944-4415.

Del Pierce, Refuge Manager, J. N. "Ding" Darling National Wildlife Refuge, P.O. Drawer B, Sanibel, Florida 33957. Telephone: 813-472-1100.

Bruce Blihovde, Refuge Manager, Lake Woodruff National Wildlife Refuge, P.O. Box 488, DeLeon Springs, Florida 32028. Telephone: 904-985-4673.

Refuge Manager, Loxahatchee National Wildlife Refuge, Route 1, Box 278 Boynton Beach, Florida 33437. Telephone: 305-732-3684.

Stephen Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Florida 32780. Telephone: 305-867-4820.

John R. Eadie, Refuge Manager, Okefenokee National Wildlife Refuge, P.O. Box 117, Waycross, Georgia 31501. Telephone: 912-283-2580.

Ronnie L. Shell, Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia 31080. Telephone: 912-988-5441.

Joe D. White, Refuge Manager, St. Marks National Wildlife Refuge, P.O. Box 68, St. Marks, Florida 32355. Telephone: 904-925-6121.

Martin Perry, Refuge Manager, St. Vincent National Wildlife Refuge, P.O. Box 447, Apalachicola, Florida 32320. Telephone: 904-653-8806.

SUPPLEMENTARY INFORMATION: John C. Oberheu is the primary author of these special regulations.

General Conditions

1. Fishing is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 33, all applicable State regulations, the general conditions, and the following special regulations:

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which the area was established, and (b) that funds are available for the development operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. The determination is based upon consideration of among other things, the Service's Final Environmental Statement in the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

2. A list of conditions applying to the individual refuge and a map of the sport fishing area(s) are available at refuge headquarters. Portions of refuges which are closed to fishing are designated by signs and/or delineated on maps.

3. Access points on certain refuges are limited to designated roads or other specific areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

4. Sport fishing on portions of the following refuges shall be in accordance with all applicable State and Federal regulations and conditions as indicated.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Florida

J. N. "Ding" Darling National Wildlife Refuge

Sport and commercial fishing is permitted in 1,050 acres of tidal waters