

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

46 CFR Parts 25, 27, and 32

[CGD 97-064]

RIN 2115-AF53

Towing Vessel Safety

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meetings; and reopening of comment period.

SUMMARY: The Coast Guard is reopening the comment period and holding two public meetings on its proposed rule to improve the safety of towing vessels and tank barges. The rule would require the installation of equipment to suppress fires on towing vessels and would strengthen current standards for anchoring or retrieving a drifting tank barge. The Coast Guard is responding to requests for public meetings and another comment period to receive additional views on the issues raised in the notice of proposed rulemaking published at 62 52057 on October 6, 1997.

DATES: Comments on the notice of proposed rulemaking must be received in or before May 11, 1998. The meeting in St. Louis, Missouri, will be held on March 23, 1998, from 9 a.m. to 5 p.m. The meeting in Newport, Rhode Island, will be held on April 9, 1998, from 9 a.m. to 5 p.m..

ADDRESSES: The St. Louis meeting will be held at the conference room accessible through entrances 2.308 and 2.206, Second Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103. The Newport meeting will be held at the Naval Education & Training Center Newport, Perry Hall, Building 440, Meyerkord Avenue, Newport, RI 02841-1644. You may send written comments to the Executive Secretary, Marine Safety Council (G-LRA) [CGD 97-064], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Markle, Project Manager (Fire Protection), 202-267-1076; or Mr. Allen Penn, Project Manager (Emergency Control Systems), 202-267-2997, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 97-064] and the specific section of the proposed rule to which each comment applies, and give the reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change the proposed rule in view of the comments.

Public Meeting

Attendance is open to the public. Persons who are hearing-impaired may request sign translation by asking the person under **FOR FURTHER INFORMATION CONTACT** at least one week before the meeting. With advance notice, and as time permits, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the person listed under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting. Written material may be submitted before, during, or after the meeting. Persons unable to attend the public meetings should submit written comments as explained previously under **ADDRESSES** and **SUPPLEMENTARY INFORMATION** by May 11, 1998.

Dated: February 23, 1998.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 98-5099 Filed 2-26-98; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 212

RIN 0596-AB67, 0596-AB68

Administration of the Forest Development Transportation System; Temporary Suspension of Road Construction in Roadless Areas

AGENCY: Forest Service, USDA.

ACTION: Extension of public comment period on proposed interim rule and schedule of public meetings on proposed interim rule and advance notice of proposed rulemaking.

SUMMARY: On January 28, 1998, the Forest Service published in the **Federal Register** for public review and comment, a proposed interim rule that would, if adopted, temporarily suspend road construction and reconstruction in most roadless areas of the National Forest System. The public comment period was to end February 27, 1998. Several organizations have indicated that the 30-day review period is not sufficient time to review and analyze the proposed interim rule and its potential impacts on matters of interest to their organizations and have requested additional time to prepare comments. Additionally, some individuals and groups have also expressed a desire for the agency to hold public meetings on the proposed interim rule and the Advance Notice of Proposed Rulemaking (ANPR) which was also published in the **Federal Register** on January 28. Therefore, to facilitate public understanding and comment, the Forest Service has decided to extend the comment period through March 30, 1998, and to hold public meetings for the proposed interim rule and the ANPR.

DATES: Comments must be postmarked by March 30, 1998. Dates, times, and locations of the public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: Send written comments to Director, Ecosystem Management Coordination Staff, MAIL STOP 1104, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090. Comments also may be sent via the Internet to roads/wo@fs.fed.us.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying at the Forest Service National Headquarters Offices, 14th and Independence Avenue, SW., Washington, DC. Persons wishing to inspect the comments are encouraged to

call ahead (202-205-0895) to facilitate entrance into the building.

Addresses for the public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Gerald (Skip) Coghlan, Engineering Staff, 202-205-1400 or Rhey Solomon, Ecosystem Management Coordination Staff, 202-205-0939. Local contacts for public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

SUPPLEMENTARY INFORMATION: On January 28, 1998, at 63 FR 4351, the Forest Service published for public review and comment a proposed interim rule that would temporarily suspend road construction and reconstruction in most roadless areas of the National Forest System. The proposed interim rule was published in association with an ANPR (63 FR 4350). In the ANPR, the Forest Service gave notice of its intention to revise the regulations concerning the management of the National Forest System transportation system to address changes in how the road system is developed, used, maintained, and funded.

Until new and improved analytical tools can be developed and implemented to evaluate the positive benefits and adverse impacts of roads, the adoption of an interim rule to temporarily suspend road construction or reconstruction within National Forest System roadless areas is viewed as critical to preserve land and resource

management options. The temporary suspension of road construction and reconstruction would expire upon the application of the new and improved analysis tools or 18 months, whichever is sooner.

In response to the January 28 **Federal Register** documents, the Forest Service has received many requests for information on implications and impacts of implementing the proposed interim rule. In response to these requests, the agency is publishing, as part of this announcement, the timber data and information used to help formulate the proposed interim rule. The information available prior to the January 28 notices related only to potential affects on timber sales in inventoried roadless areas. These data are displayed in Appendix 1 and Appendix 2 at the end of this document.

The preliminary information in Appendix 1 and Appendix 2 does not account for other types of activities that may involve road construction or reconstruction and that might be affected if the proposed interim rule were adopted. Data and information are being collected on road construction and reconstruction projects proposed for such activities as access required for authorized special uses, private property, recreation, and mining and for other activities that may require construction or reconstruction of roads. In addition, data are being analyzed to evaluate the environmental and economic impacts including impacts to

recreation, wildlife, fish, and watersheds. The new information will be used to evaluate and compare alternatives and environmental effects for a final interim rule. To the extent feasible, the agency will post this new information on the Forest Service internet home page at www.fs.fed.us/news/roads/.

Public Meetings

In addition to the public comment period, the agency will hold public meetings across the country for the purpose of adding to the record of public comment on the proposed interim rule. Persons who wish to comment will be provided opportunity for a brief oral comment for the record. Also, written comments may be submitted at the meeting sites. At these meetings, the public also will be able to provide comments in response to the ANPR concerning the management of the National Forest System transportation system to address changes in how the road system is developed, used, maintained, and funded. An open house format will be used. The public should be aware that, for the portion of the open houses during which persons may enter comments into the record for the interim rulemaking agency employees will be available only to answer questions to clarify the proposed interim rule.

The dates, times, and locations of the public meetings are as follows:

State	Date and time	Location	Contact person
Alaska	March 10, 2-7 p.m	Ted Ferry Civic Center, 888 Venetia Avenue, Ketchikan.	Dave Arrasmith, 907-228-6304.
Alaska	March 11, 2-7 p.m	Spenard Community Recreation Center, 2020 West 48th Avenue, Anchorage.	Anne Jeffery, 907-271-2508.
California	March 21, 9-5 p.m	Sacramento Convention Center, 1400 J Street, Sacramento.	Christie Kalkowski, 415-705-1841.
Colorado	March 17, 2-8 p.m	Grand Junction Hilton, 743 Horizon Drive, Grand Junction.	Matt Glasgow, 970-874-6674.
Colorado	March 17, 2-7 p.m	Rocky Mountain Regional Office, USDA Forest Service, 740 Simms Street, Golden.	Lynn Young, 303-275-5346.
Georgia	March 26, 6-9 p.m	Sheraton Hotel, 1850 Cotillion Drive, Atlanta.	Angela Coleman, 404-347-7226.
Idaho	March 19, 1-7 p.m	Idaho Panhandle National forests, 3815 Schreiber Way, Coeur d'Alene.	Brad Gilbert, 208-765-7438.
Idaho	March 21, 10-3 p.m	Boise Center on the Grove, 850 West Front, Boise.	Brian Harris, 208-373-4106.
Minnesota	March 19, 6-9 p.m	Earle Brown Continuing Education Center, University of Minnesota, St. Paul Campus, 1890 Buford Avenue, Room 280, St. Paul.	Mary Nordeen, 218-335-8658.
Montana	March 12, 3-8 p.m	Helena National Forest, 2880 Skyway Drive, Helena.	Jerry Adelblue, 406-449-5201, ext. 264.
Montana	March 14, 10-5 p.m	Ruby's Reserve Street Inn, 4825 North Reserve Street, Missoula.	Barb Beckes, 406-329-3809.
Montana	March 23, 6:30-9:30 p.m.	Libby City Hall, 952 East Spruce Street, Libby.	Joan Dickerson, 406-293-6211.

State	Date and time	Location	Contact person
New Hampshire	March 18, 6-9 p.m	New Hampshire Technical College, 11 Institute Drive, Concord.	Colleen Mainville, 603-528-8796.
New Mexico	March 18, 3-7 p.m	Holiday Inn Mountain View, 2020 Menaul Northeast, Albuquerque.	Al Koschmann, 505-842-3370.
North Dakota	March 12, 9-3 p.m	Expressway Suites, 180 East Bismarck Expressway, Bismarck.	Steve Williams, 701-250-4443.
Oregon	March 16, 10-4 p.m	Doubletree Hotel Lloyd Center, 1000 Northeast Multnomah, Portland.	Patty Burel, 503-808-2221.
Oregon	March 17, 10-4 p.m	National Guard Armory, 875 Southwest Simpson, Bend.	Carrie Sammons, 541-383-5536.
Oregon	March 18, 10:30-4:30 p.m.	Reston Hotel, 2300 Crater Lake Highway, Medford.	Steve Waterman, 541-858-2213.
South Dakota	March 16, 3-8 p.m	Pactola District Office, Black Hills National Forest, 803 Soo San Drive, Rapid City.	Glen McNitt, 605-673-3104.
Utah	March 21, 10-3 p.m	Provo Park Hotel, 101 West, 100 North, Provo.	Lola Murray, 801-342-5137.
Virginia	March 24, 6-9 p.m	Jefferson/George Washington, National Forests, 5162 Valleypointe Parkway, Roanoke.	Donna Wilson, 540-265-5100.
Washington	March 17, 10-4 p.m	Ramada Inn at Northgate, 2140 North Northgate Way, Seattle.	Lorette Ray, 425-744-3571.
Washington	March 18, 10-4 p.m	Four Seasons Inn, 11 West Grant Road East, Wenatchee.	Paul Hart, 509-662-4314.
Washington DC	March 19, 2-7 p.m	Holiday Inn Capitol, 550 C Street Southwest, Washington, DC.	Alan Polk, 202-205-1134.
Wyoming	March 19, 2-7 p.m	Parkway Plaza Hotel, 123 West E Street, Casper.	Stan Sylva, 307-777-6087.

Dated: February 24, 1998.

Mike Dombeck,

Chief, Forest Service.

BILLING CODE 3410-11-M

Appendix 1
Preliminary Estimates for FY 1998 Timber Sale Volume Effects of the
Proposed Interim Roads Policy in Inventoried Roadless Areas
(excludes all forests with a revised land and resource management plan ROD
and forests covered by the PNW Plan)
(Data Current as of January 13, 1998 /1)

REGION / FORESTS	PLANNED FY 1998 PROGRAM MMBF	PLANNED SALES WITHIN INVENTORIED ROADLESS AREAS			FY 1998 PROG. W/O ROADLESS AREA SALES MMBF
		Sales	MMBF	Road Miles	
Region 1					
Clearwater	35	1	3	0	32
Helena	12	2	9	15	3
Idaho Panhandle	63	1	2	0	61
Kootenai	90	1	1	0	89
Nez Perce	36	3	17	5	19
Region Total - All Forest:	330	8	32	20	299
Region 2					
Bighorn	7	1	2	6	5
Med. Bow-Routt	20	1	2	4	18
GMUG	10	1	3	2	7
White River	17	1	4	1	13
Region Total - All Forest:	180	4	11	12	169
Region 3					
Region Total - All Forest:	95	0	0	0	95
Region 4					
Boise	84	3	27	16	57
Bridger Teton	10	3	4	3	5
Caribou	8	4	7	11	1
Dixie	18	3	7	4	11
Fishlake	5	6	5	3	0
Manti-LaSal	17	1	1	1	15
Payette	53	5	33	11	20
Salmon	15	5	8	5	7
Uinta	7	1	1	2	6
Region Total - All Forest:	255	31	93	56	162
Region 5					
Region Total - All Forest:	451	0	0	0	451
Region 6					
Colville	60	2	3	0	57
Malheur	95	4	38	0	57
Okanogan	30	4	13	14	17
Umatilla	60	2	0	0	60
Region Total - All Forest:	1,005	12	55	15	950
Region 8					
Chatt-Oconee	31	1	2	0	29
Cherokee	18	3	3	0	15
NF of North Carolina	37	3	1	0	36
Region Total - All Forest:	689	7	5	0	684
Region 9					
Monongahela	21	1	3	3	18
Region Total - All Forest:	585	1	3	3	582
Region 10					
Region Total - All Forest:	201	0	0	0	201
Total - All Forests	3,791	63	198	106	3,593

NOTES: Planned sales only include those where at least scoping has been completed, and excludes those that have been advertised or awarded.

/1 These data represent a snapshot in time and are used as estimates of future sale activities --as plans are refined and as sales are prepared, the data represented here will change. Field offices have been asked to update this information--when that data is available, it will replace the information here.

Appendix 2

**January 28, 1998 Proposed Interim Roadless Policy
Preliminary Estimates of Fiscal Year 1998
National Forest Timber Sale Program Related Effects**

If the proposed interim rule were adopted, some timber sale effects might occur in the short-term (i.e., some timber planned for sale in fiscal year (FY) 1998 may not be sold if the proposed rule were implemented in its current form) (Table 1). It is very difficult to estimate the program effects due to considerable variation in site-specific factors, the fact that projects are in various stages of development, the fact that some project work can be shifted away from roadless areas to sites in roaded areas and the discretionary nature of most projects from year-to-year. In the **Federal Register** notice proposing the temporary suspension, the agency stated:

"Nationwide the agency estimates that of the 3.8 billion board feet planned for FY 1998, the volume of timber actually offered for sale will be reduced by 100-275 million board feet. Although actual amounts are very difficult to estimate, this reduction in timber volume offered could lead to corresponding reductions in employment and in payments to states. It is expected that the Intermountain and Northern Regions of the National Forest System will experience a disproportionately higher effect from the suspension than other geographic regions of the country, due to the higher dependence on roadless areas for timber production in these regions." (63 FR 4353, January 28, 1998).

The Forest Service is currently gathering additional facts related to timber proposed for sale in FY's 1998 and 1999. The updated data will be used to analyze various alternatives to the proposed interim rule that will be developed in response to public comment. With respect to the "100-275 million board feet" preliminary effects estimate in the **Federal Register** notice, the following information is relevant:¹

- Timber Sale Levels. Approximately 100-275 million board feet (mmbf) of timber planned for sale in FY 1998 may not be offered if the proposed interim rule were implemented. Some volume might be substituted for the reduced volume, but the amount is unknown at this time. Also, some of the reduced volume might be offered in the future if requirements of the anticipated long-term policy are met.
- Effect of Administrative and Legal Challenges. While the sale preparation work for most of the sales planned in roadless areas may be completed in FY 1998, it is not possible to predict precisely how many of these sales would actually be sold and proceed as planned during the fiscal year. Timber sales in roadless areas generally result in more public controversy, leading to administrative appeals and litigation. It is estimated that up to 50 percent of the sales could be delayed beyond FY 1998 due to unresolved appeals and litigation. Accordingly, the total volume planned in

¹ Based on data current as of January 13, 1998.

roadless areas for FY 1998 has been reduced by 50 percent to arrive at the low end (100 mmbf) of the volume effect range.

- 3-Year Harvest Assumption and Effects of Market Fluctuations. This analysis assumes that sales sold in FY 1998 would take three years to harvest, starting in FY 1998--one third of the harvest would occur in each year from FY 1998-2000. Purchasers are generally given three years to complete timber sale contracts. Market fluctuations make it difficult to estimate federal receipts and other economic effects. If there were a significant decrease in lumber or other wood product prices, the volume of timber harvested in FY 1998 could be substantially less than a third of the sale volume. Price increases for wood products could produce the opposite effect.
- Volume Under Contract Effect. In FY 1997, purchasers of national forest timber harvested 3.3 billion board feet (bbf). They currently hold contracts on about 6.5 bbf of unharvested timber, some of which is scheduled for harvest in FY 1998 and also is in roadless areas. If the 100-275 mmbf is not offered for sale in FY 1998, the effects might not be immediately felt because harvesting some of the 6.5 bbf would proceed as planned, thereby further diluting the effects estimated here by spreading them over a longer time period and providing more opportunity for mitigation. The estimates for receipts, employment, and payments to states are not adjusted for the volume under contract effect--any use of volume under contract in place of the unsold sales could reduce these effects in FY 1998, although not without some corresponding reduction in the availability of timber volume in years beyond FY 1998.
- Employment. As a result of the reduced sales volume, the program would support approximately 500-1,400 fewer jobs in FY 1998. This represents approximately 2-7 percent of the total jobs associated with the current 3.8 bbf programmed for sale in FY 1998. As with receipts, the employment effect is spread over a 3-year period and similar reductions in employment could be expected for FY's 1999 and 2000. The employment figure includes estimated direct, indirect, and induced jobs based on job coefficients reported in the FY 1996 Forest Management Program Annual Report. The jobs directly attributable to the timber harvest activities average approximately 60 percent of the total employment effect (300-900 of the total jobs would be considered "direct" jobs). The employment effects take into account an estimate of the volume that mills might substitute from non-national forest lands. These estimates are based on substitution rates experienced historically by region.
- Payments to States. Payments to states could decrease by an estimated \$1-4 million in FY 1998. A similar reduction in payments to states could be expected for FY's 1999 and 2000. Payment to states are assumed to be 25 percent of the estimated reduction in receipts. This analysis assumes that payments to states would continue to be linked to agency receipts. Proposals have been made to calculate payments to states based on historical levels. These proposals, if adopted, would mitigate or eliminate the effect on payments to states.

The agency plans to update and reevaluate these estimates as new data is available.

Table 1
**Preliminary Estimate of FY 1998 Potential Effects of Proposed Interim Roads
 Policy on Planned Sales in Inventoried Roadless Areas**
 (Excludes all forests with a revised land and resource management plan ROD and forests covered by the PNW Plan)
 (Data current as of January 13, 1998)

Forest Service Region	FY 1998 Planned Program	Planned Sales Affected by Policy	Low Volume Effect	High Volume Effect	Low Jobs Effect	High Jobs Effect	Low PTS Effect	High PTS Effect
<i>Unit of Measure</i>	<i>(mmbf)</i>	<i>(mmbf)</i>	<i>(mmbf)</i>	<i>(mmbf)</i>	<i>(jobs)</i>	<i>(jobs)</i>	<i>(\$million)</i>	<i>(\$million)</i>
<i>footnotes</i>	1	2	3	4	5	6	7	8
Region 1	330	32	16	44	200	500	\$0.2	\$0.6
Region 2	180	11	6	15	0	0	\$0.1	\$0.2
Region 3	95	0	0	0				
Region 4	255	93	47	130	200	600	\$0.5	\$1.4
Region 5	451	0	0	0				
Region 6	1005	55	27	76	100	300	\$0.5	\$1.3
Region 8	689	5	3	6	0	0	\$0.0	\$0.1
Region 9	585	3	2	3	0	0	\$0.0	\$0.0
Region 10	201	0	0	0				
Agency wide	3791	198	100	275	500	1,400	\$1	\$4

footnotes: _____

mmbf = millions of board feet; mbf = thousand board feet

1 Total planned timber offered for sale program for FY 1998

2 Timber sales planned in inventoried roadless areas that are potentially affected by the interim policy

3 Low Volume Effect = the Planned Sales Volume Affected by the Policy times a subjective factor based on professional judgement that takes into consideration the fact that some of the planned sales in early stages of development may not have been offered for sale in FY 1998 due to controversy and resulting appeals/litigation.

4 High Volume Effect = the Planned Sales Volume Affected by the Policy times a subjective factor based on professional judgement that takes into account the fact that additional volume above the planned level could have been produced and would be affected by the proposed interim policy. This factor varies between the East and the West due to the higher concentration of roadless areas in the West.

5 Low Total Jobs effect represents the Low Volume Effect times jobs per mmbf less the amount of non-NF substitution expected to occur. The jobs figures take into account an estimate of the volume that mills might substitute from non-national forest lands. In addition, they assume that one-third of the volume sold in FY 1998 would have been harvest in FY 1998.

6 Same as 5 for the high volume effect.

7 Low Payments to States (PTS) effect = 25% of the low volume effect times the receipts estimate (\$/mbf) from the FY 1998 budget. PTS effects are spread over 3 years--only FY 1998 effects are displayed here--similar effects could be expected for FY 1999 and 2000.

8 Same as 7 for the high volume effect.

[FR Doc. 98-5130 Filed 2-25-98; 8:45 am]
BILLING CODE 3410-11-C

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

RIN 0596-AB59

Land Uses; Appeal of Decisions Relating To Occupancy and Use of National Forest System Lands; Mediation of Grazing Disputes

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Forest Service requests comment on a proposed rule that would modify the agency's administrative appeal regulations relating to occupancy and use of National Forest System lands to offer mediation of certain grazing permit disputes in those States that have USDA certified mediation programs. This action is authorized by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. The intended effect is to incorporate mediation for certain grazing disputes into established agency dispute resolution processes. Public comment is invited and will be considered in adoption of a final rule.

DATES: Comments must be received in writing by April 28, 1998.

ADDRESSES: Send written comments to Director, Range Management Staff, Mail Stop 1103, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

The public may inspect comments received on this proposed rule in the Office of the Director, 3rd Floor, South Central Wing, Auditor's Building, 14th and Independence Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m. Those wishing to inspect comments are encouraged to call ahead (202/205-1462) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Berwyn L. Brown, Range Management Staff, Forest Service, (202) 205-1457.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 502 of the Agricultural Credit Act of 1987 (Pub. L. 100-233) (7 U.S.C. 5101, *et seq.*), the Department of Agriculture offers a mediation program that provides borrowers and creditors an opportunity to resolve disputes prior to bankruptcy or litigation. This Act authorizes USDA to help States develop certified

mediation programs and to participate in them.

Section 282 of Title II of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (1994 amendments) amended the 1987 Act to expand the number and type of issues subject to mediation under the State Mediation Program. One of the issues subject to mediation in the 1994 amendments was grazing on National Forest System lands. The Secretary must promulgate regulations to interpret the mediation provisions of the 1994 amendments.

Under the Secretary's grazing rules at 36 CFR 222.4, the Chief of the Forest Service may cancel a permit when one or more of the following conditions exist:

When a permittee refuses to accept modification of the terms and conditions of an existing permit (§ 222.4(a)(2)(i));

When a permittee refuses or fails to comply with eligibility or qualification requirements (§ 222.4(a)(2)(ii));

When a permittee fails to restock the allotted range after full extent of approved personal convenience non-use has been exhausted (§ 222.4(a)(2)(iv)); and

When a permittee fails to pay grazing fees within established time limits (§ 222.4(a)(2)(v)).

The provisions of this section also authorize the Chief to cancel or suspend a permit when one or more of the following conditions exist:

When a permittee fails to pay grazing fees within established time limits (§ 222.4(a)(3));

When a permittee does not comply with provisions and requirements in the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based (§ 222.4(a)(4));

When a permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto (§ 222.4(a)(5)); and

When a permittee is convicted for failing to comply with Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit (§ 222.4(a)(6)).

These cancellation or suspension actions are generally referred to as "permit enforcement actions" and may be appealed under part 251, subpart C, of Title 36 of the Code of Federal Regulations, which pertain generally to enforcement actions by an authorized officer regarding written instruments authorizing occupancy and use of

National Forest System lands. Since only holders of such authorizations may appeal under 36 CFR part 251, subpart C, it is this rule that the Forest Service proposes to amend to incorporate a mechanism for the mediation of certain grazing disputes, as required by the 1994 amendments.

Section 5101(c)(3)(D) of the Agriculture Credit Act, as amended, specifies that, in order to be certified, States shall provide for confidential mediation sessions. This statutory requirement necessitates a rule of rather narrow parameters. The types of decisions subject to mediation under this proposed rule are not subject to public disclosure and, therefore, can be mediated in confidence, since they relate to grazing permits and involve only the Deciding Officer or designee, the holder of a term grazing permit who seeks relief from a written decision to cancel or suspend a permit, and, in some circumstances, the holder's creditors.

Holders of other written authorizations to occupy and use National Forest System lands who may appeal written decisions of Forest Service line officers (§ 251.86) will not be affected by the modifications in this proposed rule.

Proposed section 251.103 Mediation of Term Grazing Permit Disputes

This proposed rule would add a new section § 251.103 that focuses solely on mediation of certain term grazing permit disputes and integration of mediation into the appeal process.

Proposed paragraph (a) specifies that in those States with USDA certified mediation programs, any holder of a term grazing permit may request mediation as part of an administrative appeal when a Deciding Officer issues a decision to suspend or cancel a term grazing permit, in whole or in part, in accordance with 36 CFR 222.4(a)(2)(i), (ii), (iv), (v) and (a)(3)-(a)(6). The States with mediation programs currently certified by USDA for fiscal year 1998 include Alabama, Arkansas, Arizona, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

Proposed paragraph (b) of new § 251.103 would limit the parties who may participate in mediation of term grazing permit disputes to those persons directly affected by the action. Since the 1994 amendments specify that mediation sessions must be confidential, this paragraph would permit only the State certified mediator, the Deciding Officer or designee, the