

**§ 955.36 [Redesignated as § 955.13 and Amended]**

7. Section 955.36 is redesignated as § 955.13 and amended by revising the first sentence of paragraphs (b)(1) and (b)(2); by revising paragraph (c)(1) and the first sentence of paragraph (c)(2)(ii) and the fourth sentence of paragraph (c)(4); by revising paragraph (d)(1) and the third sentence of paragraph (d)(3); by revising paragraph (e); and by adding paragraph (f), as follows:

**§ 955.13 Optional small claims (expedited) and accelerated procedures.**

\* \* \* \* \*

(b) \* \* \*

(1) In appeals where the amount in dispute is \$50,000 or less, the appellant may elect to have the appeal processed under a small claims (expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

(2) In appeals where the amount in dispute is \$100,000 or less, the appellant may elect to have the appeal processed under an accelerated procedure requiring the decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

\* \* \* \* \*

(c) \* \* \*

(1) This procedure shall apply only to appeals where the amount in dispute is \$50,000 or less as to which the appellant has elected the small claims (expedited) procedure.

(2) \* \* \* (ii) within 5 days after the Board has acknowledged receipt of the notice of election, either party desiring an oral hearing shall so inform the Board. \* \* \*

\* \* \* \* \*

(4) \* \* \* Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for the record and payment purposes and for the establishment of the commencement date of the period for filing a motion for reconsideration under § 955.30.

\* \* \* \* \*

(d) \* \* \*

(1) This procedure shall apply only to appeals where the amount in dispute is \$100,000 or less as to which the appellant has made the requisite election.

\* \* \* \* \*

(3) \* \* \* Alternatively, in cases where the amount in dispute is \$50,000 or less as to which the accelerated procedure has been elected and in

which there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. \* \* \*

(e) Motions for Reconsideration in Cases Arising Under § 955.13. Motions for Reconsideration of cases decided under either the small claims (expedited) procedure or the accelerated procedure need not be decided within the time periods prescribed by this § 955.13 for the initial decision of the appeal, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this section.

(f) Except as herein modified, the rules of this part 955 otherwise apply in all aspects.

**§ 955.37 [Redesignated as § 955.35]**

8. Section 955.37 is redesignated as § 955.35.

9. Redesignated § 955.35 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 955.35 Subpoenas.**

(a) *General.* Upon written request of either party filed with the Recorder or on his own initiative, the Administrative Judge to whom a case is assigned or who is otherwise designated by the Chairman may issue a subpoena requiring: \* \* \*

\* \* \* \* \*

**§ 955.36 [Added]**

10. New § 955.36 is added to read as follows:

**§ 955.36 Effective Dates and Applicability.**

The provisions of §§ 955.9 and 955.13 took effect on October 1, 1995. Pursuant to the Contract Disputes Acts of 1978 (41 U.S.C. 601-613), §§ 955.13 and 955.35 apply to appeals relating to contracts entered into on or after March 1, 1979. All other provisions of this part 955 took effect February 18, 1976.

Except as otherwise directed by the Board, these rules shall not apply to appeals docketed prior to their effective dates.

Stanley F. Mires,  
*Chief Counsel, Legislative.*

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**41 CFR Chapter 132**

**Utilization and Disposal of Real Property**

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Interim rule; withdrawal.

**SUMMARY:** On April 1, 1991, the Department of the Air Force amended Title 41 of the Code of Federal Regulations by establishing Chapter 132 and Part 132-47, Utilization and Disposal of Real Property, as an interim rule with request for comments (56 FR 13286).

On April 6, 1994, the Department of Defense published 32 CFR Part 90, Revitalizing Base Closure Communities—Base Closure Community Assistance. Upon publication of 32 CFR Parts 90 and 91, it was decided not to finalize the interim rule 41 CFR Part 132-47. Therefore, 41 CFR Chapter 132 consisting of Part 132-47 is withdrawn.

**EFFECTIVE DATE:** November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gilbert Sailer, AFBCA/RP, 1700 N. Moore Street, Suite 2300, Arlington VA 22209-2803, telephone (703) 696-5566.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 41 CFR Chapter 132  
Real property utilization and disposal.  
Authority: 10 U.S.C. 8013.

**41 CFR CHAPTER 132—[REMOVED]**

Accordingly, 41 CFR Chapter 132 consisting of Part 132-47 is removed.  
Patsy J. Conner,  
*Air Force Federal Register Liaison Officer.*  
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**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Public Land Order 7173**

[ID-943-1430-01; IDI-04790 02]

**Partial Revocation of Public Land Order No. 1703; Idaho**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes a Public Land Order (PLO) insofar as it affects 34.98 acres of public land withdrawn by the Corps of Engineers' Albeni Falls

Project. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through exchange. This action will open the land to surface entry and mining. The land has been and will remain open to mineral leasing.

**EFFECTIVE DATE:** December 26, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706-2500, 208-384-3166.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1703, which withdrew public land for the Corps of Engineers' Albeni Falls Project, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 56 N., R. 2 E.,  
Sec. 29, lot 13.

The area described contains 34.98 acres in Bonner County.

2. At 9 a.m. on December 26, 1995, the land described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on December 26, 1995, shall be considered as simultaneously filed at that time.

3. At 9 a.m. on December 26, 1995, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. The revocation of the withdrawal is made subject to the following flowage easement estate reserved to the Corps of Engineers:

**Flowage Easement Estate**

Reserve to the Government, a perpetual right, power, privilege and easement in, upon, and across the tract described as Tract R1903E-1 for the following purposes, to-wit:

a. Intermittently to overflow, flood and submerge with water of Lake Pend Oreille, the Pend Oreille River, and the tributaries of both, those portions of the said land lying above elevation 2062.5 feet above mean sea level, United States Coast and Geodetic Survey Datum and for any length of time to impound upon, overflow, flood and submerge with the said waters those portions of the said land lying below elevation 2062.5 above mean sea level, all in the construction, operation and maintenance of the Albeni Falls Dam Project, its appurtenances, reservoir and overflow areas.

b. To enter upon said land as may be necessary from time to time to inspect and improve water flow conditions; to remove natural or artificial obstructions, including underbrush and debris which, in the opinion of the representative of the United States in charge, may be detrimental to the operation of the project, to clear, improve, and maintain existing water courses, lake, streams and drainage channels; and to exercise any other rights and privileges incident to the easement hereby taken.

c. As to the described land in which an easement is taken, all rights and privileges therein and thereto that may be used and enjoyed without interfering with or abridging the easements and rights hereby taken, are specifically reserved to the respective owners; provided that no dwelling or other structure maintained for human habitation on the said land shall have a first floor elevation of less than 2067.5 feet above mean sea level.

Subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

The Grantee, for good and valuable consideration, does hereby release the United States of America, and its assigns, from all claims for damages that have accrued or may hereafter accrue to any or all of the above described land, by reason of the overflow of water occasioned by the construction and operation of the Albeni Falls Project on the Pend Oreille River, Idaho, or by the exercise of any or all of the rights, powers, privileges, and easements hereinabove granted.

Dated: November 8, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

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**FEDERAL MARITIME COMMISSION**

**46 CFR Part 501**

**General Consolidation of Bureaus of Investigations and Hearing Counsel**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission is consolidating the Bureau of Investigations ("BOI") and Bureau of Hearing Counsel ("BHC") and related delegated authorities into one bureau: the Bureau of Enforcement ("BOE").

**EFFECTIVE DATE:** November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Vern W. Hill, Director, Bureau of Enforcement, Federal Maritime Commission, 800 North Capitol St., NW, Washington, DC 20573, (202) 523-5783.

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission is amending part 501 of title 46 of the Code of Federal Regulations to reflect the consolidation of BOI and BHC into one bureau: BOE. Notice and public procedure are not necessary prior to the issuance of this rule because it deals solely with matters of agency organization. Neither is a delayed effective date required. This action does not affect the substantive duties and functions of the bureaus formerly known as BOI and BHC.

**List of Subjects in 46 CFR Part 501**

Administrative practice and procedure; Authority delegations; Organization and functions; Seals and insignia.

For the reasons set out in the preamble, title 46, Code of Federal Regulations, part 501 is amended as set forth below.

**PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL**

1. The authority citation for part 501 continues to read as follows:

Authority: 5 U.S.C. 551-557, 701-706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501-520 and 3501-3520; 46 U.S.C. app. 801-848, 876, 1111, and 1701-1720; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub.L. 89-56, 79 Stat. 195; 5 CFR Part 2638.

**Subpart A—Organization and Functions**

2. Section 501.3 is amended by removing and reserving paragraph (k) and revising paragraph (l) to read as follows:

**§ 501.3 Organizational components of the Federal Maritime Commission.**

\* \* \* \* \*