

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings
and Appeals.

APRIL 5, 1976.

[FR Doc. 76-10845 Filed 4-14-76; 8:45 am]

[Docket No. M76-161]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 10, No. 18 and No. 19 mines, all located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The United No. 10 Mine has an average mining height of 57 inches. The United No. 18 Mine has an average mining height of 45 inches. The United No. 19 Mine has an average mining height of 46 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

a. Collisions with roof support.

1. In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

2. A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

b. Injury to the operator

1. In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and the safety which goes with it are lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

2. Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in an unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

c. Injury to other persons

1. When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating

a "pinch-point" for persons who happen to be beside a machine while it is in motion.

2. At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the above-mentioned mines without creating serious safety hazards.

3. On March 18, 1975, the Board of Mine Operations Appeal ruled that a violation of a mandatory health or safety standard is not established where compliance is impossible due to the unavailability of equipment, materials, or qualified technicians. On this basis and until such time as equipment is available which meets the standards set forth in Section 75.1710-1 and can be operated safely in the mining of coal at the United No. 10, 18 and 19 Mines, we request that the Secretary modify Section 75.1710-1, paragraph (a) by waiving subparagraphs (5) and (6) which would require the installation and use of cabs or canopies at the United No. 10, 18 and 19 Mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings
and Appeals.

APRIL 5, 1976.

[FR Doc. 76-10846 Filed 4-14-76; 8:45 am]

Office of the Secretary

[Order No. 2989]

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Authority

Notice is hereby given that the Acting Secretary of the Interior has issued Secretarial Order No. 2989 dated March 24, 1976 regarding the authority of the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands (renamed the "Government of the Northern Mariana Island"). The Order delimits the extent and nature of the authority of the Government of the Northern Mariana Islands, and prescribes the manner in which its relationships shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

The Order is published in its entirety below. Further information can be obtained from the Director, Office of Territorial Affairs, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6971.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

APRIL 7, 1976.

Subject: Government of the Northern Mariana Islands of the Trust Territory of the Pacific Islands

Whereas, the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 19, 1947; and

Whereas, the United States, in response to the desires of the people of the Northern Mariana Islands clearly expressed over the past twenty years through public petition and referendum, and in response to its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of the Mariana Islands; and

Whereas, the people of the Northern Mariana Islands approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America in the plebiscite on June 17, 1975; and

Whereas, on September 7, 1974, the Mariana Islands District Legislature indicated popular support for separate administration by passing unanimously Resolution No. 1-1974, which contained the joint position of the Marianas Political Status Commission and the District Legislature that a separate administration of the Northern Marianas under the Trusteeship Agreement should commence after the people have approved Commonwealth in their plebiscite; and

Whereas, the United States agreed to this request and has approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America;

Now, therefore, the following single basic Order respecting the Government of the Northern Mariana Islands of the Trust Territory of the Pacific Islands is issued:

PART I. PURPOSE

The purpose of this document is to delimit the extent and nature of the authority of the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands (hereinafter called "Government of the Northern Mariana Islands"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Northern Mariana Islands shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies. "Northern Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, as described in Section 1(1)

of Title 3 of the Trust Territory Code, as amended.

PART II. EXECUTIVE AUTHORITY

Section 1. The executive authority of the Government of the Northern Mariana Islands, the responsibility to carry out the effective provisions of the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," and all laws and regulations in effect at the time of this Order and which may subsequently come into force through means established herein, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Northern Mariana Islands shall be vested in a United States Resident Commissioner of the Northern Mariana Islands (hereinafter called "the Resident Commissioner"). The Resident Commissioner will be appointed by, and his responsibilities shall be exercised under the general supervision and direction of, the Secretary. The Resident Commissioner may, in the case of his temporary absence, designate the Executive Officer of the Government of the Northern Marianas to act in his stead after having received approval of the Director of Territorial Affairs, Department of the Interior. The Executive Officer shall be appointed by the Resident Commissioner.

Section 2. With freedom to consult directly with the Secretary when necessary, the Resident Commissioner shall normally communicate with the Secretary through the Director of Territorial Affairs. The Resident Commissioner shall be responsible for all United States property in the Northern Mariana Islands which is required for the operation of the Government of the Northern Mariana Islands and for which the Department of the Interior has administrative responsibility. The Resident Commissioner shall perform such other functions for the Department of the Interior in the Northern Mariana Islands as may be assigned to him by the Secretary or his delegate.

Section 3. The Resident Commissioner shall have the authority to hire such professional and clerical staff as may be necessary to carry out his duties and responsibilities. Reorganizations of the Mariana Islands District Government as it exists on the effective date of this Order may be made by the Resident Commissioner including the establishment of new departments, offices, and lines of authority. Such reorganizations, however, shall be subject to the approval of the Director of Territorial Affairs and the appointment of new department and office heads shall be further subject to the advice and consent of the Northern Mariana Islands Legislature. Department and office subdivisions and lines of authority shall be set forth in a table of organization approved by the Resident Commissioner.

Section 4. In exercising his authority the Resident Commissioner shall obtain prior Secretarial approval of any signif-

icant deviation from the budget justification presented to the Congress, and any significant transfer of funds between programs or between administration and construction funds.

Section 5. The relations of the Government of the Northern Mariana Islands with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

Section 6. All contact by the Government of the Northern Mariana Islands with Federal agencies outside the Department of the Interior shall be through the Director of Territorial Affairs of the Department of the Interior. Specific contact channels between the Government of the Northern Mariana Islands and Federal agencies other than the Department of the Interior on routine matters shall be established by the Director of Territorial Affairs.

Section 7. All communications of the Government of the Northern Mariana Islands with foreign governments and international bodies shall be through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary. Communications between the High Commissioner of the Trust Territory (hereinafter referred to as "the High Commissioner") and the Resident Commissioner shall be conducted directly.

Section 8. Offices of the Resident Commissioner's Representatives shall be established for and on the municipalities of Rota and Tinian. The Representatives shall be appointed by the Resident Commissioner and under his supervision and guidance. The appointees shall be residents of the respective municipalities.

PART III. LEGISLATIVE AUTHORITY

Section 1. *Organization.* The Legislature of the Government of the Northern Mariana Islands shall be known as the "Northern Mariana Islands Legislature" and shall consist of one House.

The Northern Mariana Islands Legislature (hereinafter referred to as "Legislature") shall organize itself in accordance with the provisions of the Charter of the Marianas District Legislature in force on the effective date of this Order. The presiding officer shall be designated by the title of "Speaker" and the members shall be known as "Senators."

Section 2. *Adoption of Charter.* The Charter of the Mariana Islands District Legislature together with all amendments in effect as of the date of this Order is hereby adopted as the Charter of the Northern Mariana Islands Legislature. Whenever the words "High Commissioner" or "District Administrator" appear in the Charter or its amendments, they shall mean "Resident Commissioner." Any provisions of the Charter or its amendments inconsistent with the provisions of this Order are superseded.

Section 3. *Membership.* The membership of the Northern Mariana Islands Legislature shall be as specified in the

Charter of the Legislature. The membership provisions of the Charter are hereby amended, however, to the effect that the five members of the Mariana Islands District Delegation to the Congress of Micronesia on the effective date of this Order shall become members-at-large of the Northern Mariana Islands Legislature. The terms of the members-at-large shall be co-extensive with the terms of office in the Congress of Micronesia to which they were elected or appointed. Upon expiration of such terms or upon resignation or removal of such persons from the Legislature, no vacancy shall be filled and the number of members-at-large shall be reduced accordingly. Members-at-large of the Legislature shall enjoy all rights, responsibilities and privileges of membership in the Legislature which shall also determine their compensation.

Section 4. Appointment to New Offices. No member of the Legislature shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Legislature.

Section 5. Vacancies. Whenever a vacancy in the membership of the Congress occurs, the provisions of the Charter of the Northern Mariana Islands Legislature shall apply.

Section 6. Legislative Power. The legislative power of the Legislature shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

(a) Treaties or international agreements of the United States;

(b) The "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (hereinafter called "the Covenant");

(c) Laws of the United States applicable to the Northern Mariana Islands as part of the Trust Territory of the Pacific Islands or applicable separately to the Northern Mariana Islands;

(d) Executive Orders of the President of the United States and orders of the Secretary of the Interior; or

(e) Sections 1 through 12 of Title 1 of the Trust Territory Code (Bill of Rights).

No law shall be passed by the Legislature imposing any tax upon property of the United States or property of the Northern Mariana Islands or the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. Any parts of any laws passed by the Congress of Micronesia or district legislatures in the aggregate imposing upon United States agencies, instrumentalities, contractors of the United States and their respective non-Micronesian citizen employees any greater tax, fee, revenue, duty, tariff, impost charge, or cost of any kind that is imposed by Trust Territory of the Pacific Islands Public Law 4C-2 as amended prior to 1975 (77 TTC, Chapter 11) shall, to the extent that it imposes such tax, fee, revenue, duty, tariff, impost, charge, or cost, not

be given effect, except that, the exemptions from such tax, fee, revenue, duty, tariff, impost, charge, or cost described above shall not be applicable to activities conducted exclusively for or on behalf of the Trust Territory of the Pacific Islands, by (1) its agencies, instrumentalities, contractors and their respective employees or (2) by non-military United States agencies, instrumentalities, contractors and their respective employees. No import or export levies shall be imposed on goods transported or transhipped between or among the Districts of the Trust Territory of the Pacific Islands and the Northern Mariana Islands, or any political subdivision thereof, and the levy of duties on goods imported into the Northern Mariana Islands is hereby reserved to the Northern Mariana Islands Legislature and the Resident Commissioner; *Provided*, however, that those portions of the Trust Territory Code dealing with the levy of duties on imported goods in effect on the effective date of this Order shall remain in effect in the Northern Mariana Islands subject to collection by the Trust Territory Government revenue division and further subject to the accrual of fifty percent of the annual gross amount of such duties to the Northern Mariana Islands Legislature and the accrual of the remaining fifty percent to the Congress of Micronesia.

Section 7. Powers of the Resident Commissioner. The Resident Commissioner may submit legislation to the Legislature prior to and during any legislative session for its consideration.

Section 8. Approval or Disapproval by the Resident Commissioner. Every bill passed by the Legislature shall be certified by the Speaker and Legislative Secretary and shall thereupon be presented to the Resident Commissioner. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Legislature within ten consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

The Resident Commissioner shall have thirty days to consider bills transmitted to him less than ten days before adjournment or presented after adjournment except that appropriation measures shall be considered within fifteen days. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Legislature within thirty consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it.

When a bill is disapproved and returned by the Resident Commissioner to the Legislature with his objections,

the Legislature may proceed to reconsider it. If such a bill is repassed by a two-thirds majority of the entire membership (one reading being required for such passage), it shall be presented again to the Resident Commissioner. If he does not approve it within twenty days after presentation, he shall send it together with his comments thereon to the Secretary of the Interior. Within sixty days after its receipt by him, the Secretary shall either approve or disapprove the bill. If he approves it, it shall become law; otherwise, it shall not.

If any bill presented to the Resident Commissioner shall contain several items of appropriation of money, he may object to one or more such items, or any parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing, a statement of the item or items, part or parts thereof, so objected to, and the item or items, part or parts thereof so objected to shall have the effect of being vetoed.

Section 9. Procedure.

(a) *Quorum.* A two-thirds (2/3) majority of the members of the Legislature shall constitute a quorum for the transaction of business; *Provided*, however, that at least two members of one or more islands other than Saipan are present, and *Provided*, further, that no member of the Legislature shall refuse to attend a meeting upon duly written notice and shall be excused only in the case of compelling natural or personal emergencies. Should the requisite number of members from islands other than Saipan be unable to attend a meeting in case of such emergencies, the first provision of this section will not apply. No member shall excuse himself from a meeting by the exercise of a boycott.

A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Legislature may provide.

(b) *Reading of Bills—Passage.* A bill in order to become a law shall pass two readings, on separate days, the final passage of which shall be by a majority vote of all the members, which vote shall be entered upon the journal.

(c) *Title.* Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) *Amendment and Revision by Reference Prohibited.* No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised and shall be re-enacted; *Provided*, that the Resident Commissioner may, with the express concurrence of the Secretary or his delegate, introduce to the Legislature and, if therein enacted, approve new legisla-

tion of which the title and substance may be a reference to any part or all of other substantive law.

(e) *Journal.* The Legislature shall keep a journal of its proceedings, and publish the same in English.

(f) *Public Sessions.* The business of the Legislature and of its committees shall be transacted openly and not in secret session except when in executive session.

(g) *Procedural Authority.* The Legislature shall be the sole judge of the election and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Section 10. *Budget.* Appropriation measures enacted by the Legislature shall not provide for the appropriation of funds in excess of such amounts as are available or estimated to be available from revenues raised pursuant to the tax laws and other revenue laws of the Northern Mariana Islands.

Prior to his final submission to the Secretary of requests for Federal funds necessary for the support of governmental functions in the Northern Mariana Islands, the Resident Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Northern Mariana Islands Legislature for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the Resident Commissioner shall adopt such recommendations of the Legislature as he shall deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

Section 11. *Publication of Laws.* The Resident Commissioner shall cause the resolutions and laws to be published in English within 30 days after they become law, and shall make provision for their distribution to public officials and sale to the public.

Section 12. *Immunity.* No member of the Legislature shall be held to answer before any tribunal other than the Legislature for any speech or debate in the Legislature, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Legislature and committee meetings and in going to and from the same. Members of the Congress of Micronesia shall enjoy this same immunity in the Northern Mariana Islands.

Section 13. *Compensation and Expenses.* The members of the Legislature shall receive compensation for their services and expenses as may be prescribed by law. Such compensation and expenses shall be from funds available to and appropriated by the Legislature. Per diem, if paid to the members of the Legislature, shall be in compliance with the law set by the Legislature. Compensation, expenses, per diem, and other expenses

shall not be allowed in excess of such amounts as may be budgeted therefor.

Section 14. *Amendment.* This Part may be amended only by further direction of the Secretary who may consult with the Northern Mariana Islands Legislature. The Legislature may, during any regular session, recommend to the Resident Commissioner the amendment of any Section of this Part. The Resident Commissioner shall transmit such recommendation, together with his own recommendation thereon, to the Secretary.

PART IV. CONTINUITY OF LAWS, COURT PROCEEDINGS, AND RIGHTS

Section 1. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive and District Orders of a local nature applicable to the Mariana Islands District on the effective date of this Order and not inconsistent with this Order or the applicable provisions of the Covenant or provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until they expire by their own limitation, or until and unless altered or repealed by the Northern Mariana Islands Legislature or by such other appropriate bodies.

Section 2. The Resident Commissioner shall enforce all such laws and regulations issued pursuant to this Order and Section One of this Part through the appropriate departments and agencies of the Government of the Northern Mariana Islands.

Section 3. All civil and criminal proceedings now pending before the Judiciary of the Trust Territory shall remain unaffected by the creation of the Government of the Northern Mariana Islands.

Section 4. All civil and criminal proceedings in which the Trust Territory is a party shall remain unaffected; *Provided*, that from the effective date of this Order, (1) criminal proceedings in the Northern Mariana Islands shall be brought in the name of the "Government of the Northern Mariana Islands" and (2) civil proceedings on matters which are within the control or jurisdiction of the Government of the Northern Mariana Islands shall be brought by or against the Government of the Northern Mariana Islands.

Section 5. All contracts, franchises, claims, demands, titles, rights, permits, licenses and other forms of rights, privileges and obligations entered into or obtained prior to the Order shall remain in force and effect until their natural or legal termination.

PART V. REVENUES

Section 1. All locally raised revenues, fees, taxes, interest, royalties, fines, licenses, and governmental charges imposed by the Government of the Northern Mariana Islands shall be deposited into the Treasury of the Government of the Northern Mariana Islands for appropriation by the Legislature, subject to the provision of Part III, Section 2 of this Order.

Section 2. All other locally raised revenues, fees, taxes, interest, royalties, fines, licenses, and governmental charges imposed by municipal governments shall be deposited into the Treasury of the appropriate municipality for appropriation by its municipal council.

PART VI. MUNICIPALITIES

The municipalities and municipal governments in existence in the Mariana Islands District on the effective date of this Order shall remain unaffected until amended by law.

PART VII. PUBLIC LANDS AND OTHER PROPERTIES

Section 1. Title to public lands of the Trust Territory of the Pacific Islands which are situated in the Northern Mariana Islands and which are actively used by the Trust Territory Government is hereby transferred to and vested in the Resident Commissioner subject to the continued use of such land by the Trust Territory Government until relocation of the capital of the Trust Territory of the Pacific Islands, such use to be in accordance with the terms of agreements reached by the Resident Commissioner and the High Commissioner of the Trust Territory. All other public lands situated in the Northern Mariana Islands title to which is now vested with the Trust Territory Government and which have not been transferred to the legal entity created by the Mariana Islands District Legislature according to Secretary of the Interior Order No. 2969 shall vest in the Resident Commissioner. All rights, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the effective date of this order or thereafter acquired in any manner whatsoever will, prior to the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands. Any such determination must first be approved by the Secretary before it shall take effect. No properties of the Trust Territory Government presently located in the Mariana Islands District shall, outside of the common course of Government business, be removed unless under the terms of a mutual agreement between the High Commissioner and Resident Commissioner.

Section 2. There is hereby established a Trust Territory Capital District on Saipan Island the exact bounds of which shall be determined by the High Commissioner of the Trust Territory and the Resident Commissioner. In general, except for the exercise of its police powers, the Northern Mariana Islands Legislature shall have no legislative authority within the Capital District. Legislative authority within the Capital District is hereby generally vested in the Congress of Micronesia. When questions of legislative jurisdiction arise with regard to the Capital District, they shall be resolved in consultation between the Gov-

ernments of the Trust Territory and the Northern Mariana Islands and will be finally decided by the Secretary if necessary.

PART VIII. PUBLIC FACILITIES

The use of port facilities, airfields, hospitals, institutions of education and recreation and other governmental facilities situated in the Northern Mariana Islands shall be made available to the Government of the Trust Territory according to the terms agreed upon by the High Commissioner and the Resident Commissioner.

PART IX. JOINT SERVICES—MEMORANDUM OF UNDERSTANDING

During the transitional period, the High Commissioner and the Resident Commissioner shall enter into a Memorandum of Understanding which shall provide for joint and mutual support services on a reciprocal and equitable basis in the interests of both governments. The Secretary shall settle disputes or disagreements as to the terms of the Memorandum of Understanding. The Memorandum of Understanding may be amended by mutual agreement of the High Commissioner and Resident Commissioner.

PART X. JOB PROTECTIONS

Citizens of the Trust Territory who are residents of the Northern Mariana Islands and employed by the Trust Territory Government on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands. Similarly, citizens of the Trust Territory who are residents of the other districts and employed by the Trust Territory Government but work for the Mariana Islands District Administration on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands.

PART XI. FREEDOM OF TRAVEL

Citizens of the Trust Territory shall, regardless of their residences, be free to travel within the Trust Territory as they could have done prior to the separation of the Northern Mariana Islands.

PART XII. JUDICIAL AUTHORITY

Until a judiciary is established for the Northern Mariana Islands in accordance with the Covenant, the judicial authority of the Government of the Northern Mariana Islands shall remain vested in the High Court of the Trust Territory and such other courts as may be established pursuant to law.

PART XIII. FEDERAL AUDIT OF THE GOVERNMENT OF THE NORTHERN MARIANA ISLANDS

The United States Government Comptroller for Guam and the Trust Territory shall have the authority and responsibility for the official audit of the operations of the Government of the Northern

Mariana Islands. The authority to make provision out of the Northern Mariana Islands portion of the budget of the Trust Territory for the operation of the Comptroller with regard to the Northern Mariana Islands is hereby reserved to the Secretary.

PART XIV. EFFECTIVE DATE

This Order shall be effective as of April 1, 1976. Its provisions shall remain in effect until the issuance of the proclamation by the President of the United States as described in Section 1003(b) of Article X of the Covenant, or until it is amended, superseded, or revoked, whichever occurs first.

Dated: March 24, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

PROCLAMATION

Whereas, the United States as Administering Authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the Trusteeship Agreement and under Article 76 of the United Nations Charter to give the peoples of the Trust Territory the right to choose freely their own political future; and

Whereas, on February 15, 1975, the Marianas Political Status Commission, which was duly created by the Marianas District Legislature, and Ambassador F. Haydn Williams, the Personal Representative of the President of the United States, signed a Covenant which, when fully approved, would, upon termination of the Trusteeship Agreement, establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; and

Whereas, the people of the Northern Mariana Islands approved the Commonwealth Covenant in a free, fair and impartial plebiscite held on June 17, 1975 and observed by a Special Visiting Mission of the United Nations Trusteeship Council; and

Whereas, the Covenant has now been approved by the Congress of the United States and signed by the President of the United States on March 24, 1976; and

Whereas, the Marianas Political Status Commission and the Marianas District Legislature did, in Legislature Resolution No. 1-1974, proclaim their joint position that a separate administration of the Mariana Islands District of the Trust Territory of the Pacific Islands should commence after the people of the Northern Mariana Islands have approved the Covenant in their plebiscite; and

Whereas, certain important agreements have been reached by the leadership of the Northern Mariana Islands and the Congress of Micronesia regarding such a separate administration;

Now therefore, I, Kent Frizzell, Acting Secretary of the Department of the Interior, by virtue of the powers vested in me under Executive Order No. 11021 of July 1, 1962, do hereby establish in and for the Mariana Islands District of the Trust Territory of the Pacific Islands, a new administration to take effect on April 1, 1976. The Mariana Islands District will hereinafter be referred to as the "Northern Mariana Islands".

The authority and responsibility for the Government of the Northern Mariana Islands shall be vested in a United States Resident Commissioner whose appointment by the Secretary of the Interior will be announced shortly. The Marianas District Legislature will be reconstituted into the "Northern Mariana Islands Legislature" and will be the

paramount local legislative authority for the Northern Mariana Islands. The High Court of the Trust Territory will retain judicial authority for the Northern Mariana Islands until a judiciary is established under the terms of the Covenant. Relations between the Government of the Trust Territory and the Government of the Northern Mariana Islands will be set forth in agreements between the High Commissioner of the Trust Territory and the Resident Commissioner.

Until the Resident Commissioner is appointed and on duty, the present District Administrator of the Mariana Islands District, Mr. Francisco Ada, will act in the chief executive capacity and will report to the Director of Territorial Affairs. His functions then, as well as those of the present Marianas District Administration, will temporarily remain unchanged.

The next few months will see important and historic events in the Northern Mariana Islands. I expect that the Northern Mariana Islands Legislature will convene and enact enabling legislation for the Northern Marianas Constitutional Convention. The Phase I Transition program will commence operations right away. There has already been a preparatory meeting of the Joint Transition Commission and the Office of Transition Studies and Plans will soon be organized.

I will today be signing a Secretarial Order which will legally establish the separate administration of the Northern Mariana Islands as of April 1, 1976. This Order will define and delimit the authority of the Government of the Northern Mariana Islands as part of the Trust Territory of the Pacific Islands administered by the United States under its Trusteeship Agreement with the United Nations.

The people of the Northern Mariana Islands have travelled a long and sometimes difficult road to reach this point in their history. In their town meetings, in their legislative assemblies, and in their homes, they have pursued their goal of Commonwealth with a selfless spirit and with fortitude and honor. They have proven that the American system of "government by the people" is vibrant and meaningful for them. It is in this knowledge that I am confident that the new administration will, as we work with it to implement the Covenant, show once again that the people of the Northern Mariana Islands are truly becoming part of the American family.

KENT FRIZZELL,
Acting Secretary of the Interior.

MARCH 24, 1976.

[FR Doc. 76-10247 Filed 4-14-76; 8:45 am]

[INT DES 76-14]

Office of the Secretary

AVAILABILITY OF DRAFT ENVIRONMENTAL STATEMENT

Use of Avian Stressing Agent PA-14 for Control of Blackbirds and Starlings at Winter Roosts

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the use of avian stressing agent PA-14 for the control of blackbirds and starlings at winter roosts and invites written comments within 45 days of this notice.

The proposed use of avian stressing agent PA-14 is to control blackbirds and starlings at winter roosts. PA-14 will be used only at those roosts that have