

The Department has determined that the conforming change covered by this rule should be adopted without the delay occasioned by requiring prior notice and comment. This change merely serves to clarify a possible ambiguity in an existing rule and is exempt, as an interpretive rule, under 24 CFR part 10 from notice and comment requirements. However, the effective date will be delayed for a period of 30 days following publication, in accordance with section 7(o)(3) of the Department of Housing and Urban Development Act.

Findings and Certifications

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action is categorically excluded from the NEPA requirements at 24 CFR part 50 in accordance with 24 CFR 50.20(k) because it is an internal administrative procedure whose content does not constitute a development decision nor affect the physical condition of project areas or building sites.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule only revises a single section of title 24 of the Code of Federal Regulations to clarify its meaning and make it conform to other related sections.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule do not have federalism implications, and, thus, are not subject to review under the Order. This rule merely effects a conforming change and will not have substantial, direct effects on States, on their political subdivisions, or on their relationships with the Federal government, or on the distribution of power and responsibilities between them and other levels of government.

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule does not have a potentially significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the Order.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 22, 1991 (56 FR 17360) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 111

Fair housing, Grant programs—housing and community development, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 111 is amended as follows:

PART 111—FAIR HOUSING ASSISTANCE PROGRAM

1. The authority citation for 24 CFR part 111 continues to read as follows:

Authority: Fair Housing Act (42 U.S.C. 3601–20); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 111.107(a) is revised and the introductory text is republished to read as follows:

§ 111.107 Agency threshold eligibility criteria.

To be eligible to participate in the FHAP, an agency first must meet the following criteria:

(a) The agency must administer a State or local fair housing law certified under 24 CFR 115.6 (including grandfathered agencies certified under 24 CFR 115.6(d)) and such certification must continue to be outstanding; or the agency must be a party to an agreement for interim referral of complaints to the agency or other use of the services of the agency, as described under 24 CFR 115.11. Agencies are eligible for capacity building funding during the first two years of FHAP funding, and for contributions funding during other years of FHAP funding. FHAP funding received by a agency under an agreement for the interim referral of complaints to the agency or other use of the services of the agency as described under 24 CFR 115.11, and FHAP funding received by a grandfathered agency prior to its certification for referrals under § 115.6(d), will be considered in determining whether the agency qualifies as a contributions agency.

* * * * *

Dated: May 9, 1991.

Gordon Mansfield,
Assistant Secretary for Fair Housing and
Equal Opportunity.

[FR Doc. 91-11603 Filed 5-15-91; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1 90-125]

Anchorage Grounds; Coast Guard COTP Providence, RI, Zone; Buzzards Bay

AGENCY: Coast Guard, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Coast Guard is adding to the existing anchorage ground regulations in 33 CFR 110.140 for Buzzards Bay near the entrance to the Cleveland Ledge Channel approach to the Cape Cod Canal. The added regulations will allow the U.S. Coast Guard and the U.S. Army Corps of Engineers to provide additional safety measures for vessel movement within this immediate area, especially during times of limited visibility and/or temporary Cape Cod Canal closure.

EFFECTIVE DATE: This regulation is effective June 17, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant Scot S. Graham, c/o U.S. Coast Guard Marine Safety Office (MSO) Providence, John O. Pastore Fed. Bldg, Providence, RI 02903-1790, telephone at (401) 528-5335. The comments and other materials referenced in this rule will be available for inspection and copying at the above address. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On Wednesday, January 9, 1991, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the Federal Register (Volume 56, No. 6). One comment letter was received. Other comments were reviewed at a meeting of concerned parties on March 11, 1991.

Drafting Information

The drafters of this regulation are Lieutenant S.S. Graham, Port Operations Officer for the Coast Guard Captain of the Port Providence, and Lieutenant R.R. Korroch, project attorney, First Coast Guard District Legal Office.

Discussion of Regulations

The Coast Guard Captain of the Port Providence, in coordination with the U.S. Army Corps of Engineers, is adding requirements to the existing anchorage ground regulations in 33 CFR 110.140. This regulation is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of part 110. This action will mitigate the safety hazards associated with large vessels waiting for clearance to enter into the Cape Cod Canal, including Cleveland Ledge Channel, especially during closure of the canal due to limited visibility. Based upon the danger associated with vessel movement through these pilot waters and the fact that many vessels must anchor during limited visibility prior to entering Cleveland Ledge Channel a potential safety and environmental hazard to the Bay and vessels is created. These hazards include groundings and/or collision and resulting injury to persons, sinking of vessels and possible oil and chemical spills. The below listed regulations will better assist the U.S. Coast Guard and the U.S. Army Corps of Engineers in providing alternatives to vessels delayed by poor visibility from entering the channel.

Discussion of Comments and Amendments to the NPRM

Consultation with, and comments from, vessel agents, masters and the general public were sought. During this comment period, 3 comments in response to the NPRM were received: One from an environmental group, one from the U.S. Army Corps of Engineers, and one from internal Coast Guard staff review. These comments were addressed at a meeting of concerned parties on March 11, 1991. The comments received reflected the support for this new addition to the existing anchorage regulations. The three comments, addressing a total of four elements of the proposed rules, are summarized as follows:

1. A local environmental group endorsed the NPRM in spirit and in content.
2. The U.S. Army Corps of Engineers requested clarification of the procedures to utilize the existing anchorages "C" and "D" so that possible confusion regarding draft requirements for vessels to use those anchorages could be controlled by the U.S. Army Corps of Engineers Cape Cod Canal traffic controller.

3. Internal Coast Guard staff review determined that it was not necessary to include the following section of the NPRM: " * * * (iv) When risk of collision exists, both vessels must communicate

with each other and the traffic controller of the Cape Cod Canal." All parties agreed adherence to the Rules of the Road mandates this action on the part of the vessel operators.

4. Internal Coast Guard staff review determined that it was not necessary to include the following section of the NPRM: " * * * (vii) Each vessel in a 'dead ship' status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies Coast Guard Group Woods Hole or the traffic controller for the Cape Cod Canal." All parties agreed that this type of requirement can be handled on a case-by-case basis when the Coast Guard Captain of the Port reviews a vessel's request to go into a "deadship" status.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The added requirements are for notification purposes and therefore add a minimal cost, if any, to the shipping industry or other persons involved. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulations

In consideration of the foregoing, the Coast Guard amends part 110 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46; and 33 CFR 1.05(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.140 is amended by adding a sentence to the endings of paragraphs (b)(1) and (b)(2) and adding (b)(3) through (b)(10).

§ 110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, MA.

* * * * *

(b) * * *

(1) * * *

Each vessel must obtain permission to proceed to Anchorage C from the U.S.

Army Corps of Engineers Cape Cod Canal Control traffic controller.

(2) * * *

Each vessel must obtain permission to proceed to Anchorage D from the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller.

(3) Anchorage L—(East side is preferred). The waters bounded by a line connecting the following points: 41-34-44N/70-72-42W to 41-35-16N/70-43-23W to 41-33-22N/70-46-02W to 41-32-50N/70-45-22W and thence to the beginning.

(4) Anchorage M—(west side). The waters bounded by a line connecting the following points: 41-35-35N/70-44-47W to 41-36-24N/70-45-53W to 41-35-00N/70-47-53W to 41-34-12N/70-46-47W and thence to the beginning

(5) Each vessel that anchors in these anchorages must notify the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller when it anchors, and provide the vessel's name, length, draft, cargo, and its position.

(6) Each vessel anchored in these anchorages must notify U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller when it weighs anchor.

(7) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(8) No vessel may anchor unless it maintains the capability to get underway within 30 minutes; except with prior approval of the Coast Guard Captain of the Port Providence.

(9) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Coast Guard Captain of the Port Providence.

(10) No vessel may conduct lightening operations within these anchorages.

* * * * *

Dated: April 30, 1991.

R.I. Rybacki,
Commander, First Coast Guard District.
[FR Doc. 91-11544 Filed 5-15-91; 8:45 am]
BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 9

Alaska Mineral Resource Assessment Program

AGENCY: National Park Service, Interior.
ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is adopting regulations at 36 CFR

part 9, subpart D to govern mineral resource assessment activities in Alaska units of the National Park System pursuant to section 1010 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), 16 U.S.C. 3150. These regulations ensure that such assessments are conducted in an environmentally sound manner that protects the natural systems of the units and are compatible with the purposes for which the units are established. The mineral resource assessments in parks are exclusively data collection in nature and may be conducted only by authorized Department of the Interior bureaus and their contractors.

The NPS published proposed rules for 36 CFR part 9, subpart D in *Federal Register* on March 8, 1991 (56 FR 9917). The public comment period for those rules ended on April 8, 1991. The NPS received 9 letters commenting on the proposed rules containing a total of 31 individual comments.

EFFECTIVE DATE: June 17, 1991.

FOR FURTHER INFORMATION CONTACT:

Sharon Kliwinski, National Park Service, Mining and Minerals Branch, P.O. Box 37127, Washington, DC 20013-7127, telephone (202) or (FIS) 343-4964; or Judy Alderson, National Park Service, Alaska Regional Office, 2525 Gambell St., Anchorage, Alaska 99503, telephone (907) 257-2635.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Final Rule and Response to Comments
- III. Procedural Matters

I. Background

A. Overview of Alaska Mineral Resource Assessment Program

The Alaska Mineral Resource Assessment Program (AMRAP) is a Congressionally mandated program authorized by section 1010 of the Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3150). Section 1010(a) requires that "the Secretary of the Interior shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the mineral resource data base of such lands." Public lands, as defined by section 102(3) of ANILCA (16 U.S.C. 3102), include all Federal lands in Alaska including those in units of the National Park System. The Secretary must consult with the State of Alaska, the Secretary of Energy and any other Federal agency on this and other mineral assessment programs and is authorized to contract with public or private entities to carry out the program. The Secretary is required to allow for

access by air for mineral resource assessment activities. Section 1010(a) explicitly prohibits the use of core and test drilling as a mineral resource assessment technique that could be used on lands in units of the National Park System. This prohibition includes exploratory drilling of oil and gas test wells. AMRAP is an ongoing program and mineral resource assessment activities have been conducted on public lands in Alaska under AMRAP for 10 years.

Pursuant to section 1010(b) of ANILCA, mineral resource assessment activities carried out in conservation system units, which includes units of the National Park System, shall be subject to regulations promulgated by the Secretary. The regulations must ensure that such activities are carried out in an environmentally sound manner that (1) does not result in lasting environmental impacts that appreciably alter the natural character of the units or biological or ecological systems in the units; and (2) is compatible with the purposes for which the units are established.

While ANILCA section 1010(a) provides a Congressional mandate to the Secretary to conduct mineral resource assessment work and pursuant to section 1011 report the results to Congress, section 1010(b) is designed to ensure that the work is carried out in an environmentally sensitive manner. The intent of these regulations is to provide a process and guidelines for permitting access to National Park System lands for the conduct of mineral resource assessment work per section 1010 while at the same time ensuring that such work does not result in lasting impacts and is compatible with park purposes and values.

B. Objectives of AMRAP

AMRAP is a Federal program mandated by Congress for the collection of geologic, geochemical, geophysical, and mineral deposit data in order to assess the oil, gas, and other fuel and nonfuel mineral potential on public lands in Alaska. The program includes the prediction and/or determination of the location, type, amount, and extent of the mineral resources on these lands. The objective of the program is to provide Congress with baseline data about the occurrence of minerals in conservation system units to aid in future legislative land status decisions. Several Department of the Interior agencies are involved in carrying out the program.

The United States Geological Survey (USGS) is the primary agency responsible for AMRAP research. The

goal of the USGS AMRAP is a systematic investigation of Alaska's mineral resources through four progressively more detailed levels of study. Level I studies are very broad State-wide studies; Level II studies address large parts of the State with resultant maps generally at a scale of 1:1,000,000; Level III studies generally produce mineral resource assessment maps at a scale of 1:250,000 (1 inch=6 miles) and 1:125,000 (1 inch=3 miles); and Level IV studies detail specific mining districts, mineral deposits or topics related to the genesis of mineral deposits. Currently, the USGS's major effort is at the Level III stage with studies in progress in 26 quadrangles. Out of a total of 153 quadrangles to be studied, 38 have been completed to date.

Mineral resource assessment work conducted by the Bureau of Mines (BOM) typically involves the collection of mineral data to determine the location, type, amount and physical extent of known mineral resources. Most of the work involves mapping and sampling to document the configuration and location of mines, prospects, claims and mineralized areas.

The Minerals Management Service (MMS) has no mandate to assess public lands under ANILCA, however, the agency has in the past and will probably continue to request access to park lands to conduct investigations involving sampling and taking measurements of the physical properties of rock. The results of this research are used in assessing the mineral potential and geologic characteristics of rock units underlying the Outer Continental Shelf.

Other Interior agencies, such as the Bureau of Land Management (BLM), may from time to time request access to NPS lands to conduct mineral resource assessment work necessary to meet the goals of their AMRAP responsibilities.

AMRAP encompasses the study of all public lands in Alaska, including those managed by the U.S. Fish and Wildlife Service, the U.S. Forest Service, the BLM and the NPS. Public lands, as defined in § 102(3) of ANILCA, means lands situated in Alaska which are Federal lands (including those lands in conservation system units), with exceptions provided for State and Native corporation selected or conveyed lands and lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

The various Federal agencies coordinate their AMRAP studies so that contiguous parcels of land under management by different agencies may be studied in an efficient and cost effective manner. The agencies convey

mineral resource and work plan information to the State of Alaska, and commonly promote cooperative projects with the State.

C. Technical Aspects of Mineral Resource Assessments Under AMRAP

Most mineral resource assessments conducted under AMRAP include first time studies of areas that may contain up to several million acres. Much of the work now, and for the foreseeable future, is reconnaissance in nature involving the systematic study of the mining districts and 1:250,000-scale quadrangle maps. AMRAP field work consists principally of: (1) Geologic mapping and hand sampling on foot traverses in combination with helicopter landings to fill in the gaps in data between traverses; (2) geochemical sampling requiring access by foot, boat, light trucks where roads exist, and fixed-wing or supplemental helicopter landings to complete the systematic collection of stream sediments, water, soils, rocks, and occasionally small samples of vegetation; and (3) systematic geophysical surveys.

Geophysical surveys typically include instrumental measurements made on the ground simultaneously with geologic and geochemical sampling, and occasionally require the excavation with hand tools of holes a few inches deep in order to implant temporary electrodes. Geophysical sampling also may include collection of paleomagnetic specimens by use of a hand-held drill to remove small cylindrical samples.

Geologic sample collection usually is restricted to fist-sized samples although larger samples of several pounds occasionally are taken for certain analytical techniques such as radiometric dating, assaying, and mineral characterization and beneficiation studies. In park units, agencies conducting AMRAP activities do not use drilling, trenching, or other techniques that may result in lasting environmental impacts. Core and test drilling, including exploratory oil and gas test wells, are explicitly prohibited in park units pursuant to § 1010(a) of ANILCA.

The agencies must make overflights by helicopter and small fixed-wing aircraft to collect instrumental remote-sensing and other geophysical data. Minimum flight elevations above the ground range from 400 to 1,000 feet, and flight-line spacings are from one-fourth to 20 miles or may consist of a single line only.

In a typical quadrangle, the density of stations for gathering data, including sample sites, is about 1 station per 1-10 square miles. Although most of the work

performed is of a general nature, the agencies often perform detailed field work to study critical geologic localities or critical and strategic mineral deposits. Completion of data collection for a quadrangle or a specific site can require 3 to 4 field seasons of 30-45 days duration each. Field work generally requires teams of 5 to 10 scientists and support staff.

The agencies typically conduct their field work from one or two fixed camps and utilize helicopters for movement within the study area. The field camps are relatively small, temporary, and unobtrusive. Field teams often work out of existing lodges or commercial facilities when practical and efficient.

In passing ANILCA, Congress recognized the logistic difficulties of working in Alaska and directed the Secretary to allow access by air for the accomplishment of AMRAP activities on public lands. AMRAP field work depends heavily on the use of helicopters. Most Alaska study areas are so large and remote that it is often inefficient and sometimes unsafe to access the areas otherwise.

D. AMRAP Studies in Units of the National Park System

Over the past several years, the NPS received numerous requests from the USGS, MMS, and BOM to allow entry onto park lands to conduct mineral resource assessment work. These requests included permission to conduct geologic mapping and reconnaissance, collection of mineral and rock samples, geochemical studies of streams, geophysical studies, and helicopter access and field camp support operation. In the absence of the regulations required by § 1010(b) of ANILCA to implement AMRAP in Alaska parks, the NPS permitted the mineral resource assessment work under the provisions of 36 CFR 1.6 (Permits) and 36 CFR 2.5 (Research specimens). The NPS used the general provisions of § 1.6 to permit AMRAP activities when requests for those activities could not meet the requirements of § 2.5. The requirements of § 2.5, and the NPS Management Policies, are very specific and limited in scope to the collection of research specimens. Under § 2.5, the NPS may allow reputable scientific or educational institutions or State or Federal agencies to collect rocks and minerals under a specimen collection permit for the purpose of research, baseline inventories, monitoring, impact analysis, group study or museum display. Such research must meet the management goals of the requesting agency, but it must also further park objectives as

articulated in existing legislation and NPS planning documents.

Sections 1.6 and 2.5 were never intended to accommodate the long term program needs of the AMRAP agencies. In addition, § 1010(b) of ANILCA mandates that the Secretary promulgate regulations to ensure that mineral resource assessment activities conducted in conservation system units in Alaska are carried out in an environmentally sound manner. This mandate and the narrow scope of the Service's current regulations necessitate the current rulemaking.

E. AMRAP in Wilderness Areas

The NPS wilderness management policies are based on statutory provisions of the 1916 NPS Organic Act (16 U.S.C. 1 *et seq.*), the 1964 Wilderness Act (16 U.S.C. 1131 *et seq.*) and legislation establishing individual units of the national park system.

AMRAP activities conducted in NPS wilderness areas will be carried out in accordance with the applicable NPS wilderness management plan, and the applicable provisions of the Wilderness Act so as to preserve wilderness resources and character. The Wilderness Act generally prohibits motorized equipment or mechanized transport in designated wilderness areas. Assessment activities conducted by foot or in some instances by hand-propelled watercraft may be allowed. The use of aircraft in a park will be in accordance with the applicable wilderness management plan.

Since passage of the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976, the USGS, the BOM, and the BLM have conducted mineral resource assessments and evaluations on U.S. Forest Service and BLM wilderness study areas.

F. Contracting of AMRAP Activities

Under section 1010, the Secretary is authorized to enter into contracts with public and private entities to carry out all or any portion of the mineral resource assessment program. Agencies conducting AMRAP studies periodically contract with other Federal or State agencies or private entities to perform work. The USGS rarely contracts geologic and geochemical work, but does contract some geophysical surveys and certain support functions including helicopter services and installation of camps and fuel caches. The BOM contracts some support functions including transportation, helicopter services, camp installation and operation, and fuel caches. Nearly all of MMS research projects have been

cooperative efforts, mostly with private industry and the State of Alaska. If MMS intends to use third party assistance in carrying out AMRAP activities in the parks in the future that assistance must be governed by a legally binding contract. All information or data of an AMRAP study recovered under contract is the property and under the control of the AMRAP agency.

II. Discussion of Final Rule and Response to Comments

The final rule establishes a new subpart D governing the conduct of mineral resource assessments in Alaska units of the National Park System.

The NPS received nine letters commenting on the proposed rule: five letters from Federal agencies, one from the State of Alaska, two from public interest groups, and one from an individual. The nine letters contained a total of 31 specific comments.

The State of Alaska and the National Parks and Conservation Association (NPCA) commented that the 30-day public review period was too short to provide for meaningful public involvement. In addition, NPCA specifically requested an extension of the public comment period. They noted that such an extension was further warranted because the timing of the proposed rule precludes AMRAP activities for this field season.

The proposed rule erroneously indicated that the final rule had to be published by April 15 to allow for AMRAP work in parks this season. Ongoing coordination between the NPS and the AMRAP agencies on planned and budgeted AMRAP work will allow that work to be conducted this field season pursuant to the permitting mechanism established in these regulations. The NPS recognizes the benefit of extensive public involvement in the rulemaking process. However, given the dual public policy objectives of providing for meaningful public involvement and allowing assessment field work this season, the Service believes that the 30-day review period was adequate given the nature of the rulemaking.

The State of Alaska commented that it presumes that subsistence analyses under ANILCA 810 will be conducted. The NPS will meet the subsistence analyses requirements during the permitting process.

Authority

The Alaska National Interest Lands Conservation Act of 1980 (ANILCA), 16 U.S.C. 3150, is the primary statutory authority for the promulgation of these regulations. The Organic Act of 1916 (16 U.S.C. 1 *et seq.*, as amended) that

established the NPS provides additional authority. It mandates the Service to conserve the scenery, natural and historic objects, and wildlife of park units, and to provide for public enjoyment of the units in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. Section 3 of the Act authorizes the Secretary of the Interior to promulgate rules and regulations necessary for the management of the National Park System. The Organic Act further provides that authorization of activities in units of the National Park System shall be construed in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of park values and purposes unless specifically and directly provided for by Congress. Legislation and proclamations establishing individual parks provide more specific direction about park purposes, resources, and appropriate use. The Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*) generally reinforces the resource protection mandate of the NPS Organic Act under which the NPS already operates.

The Service evaluates proposals for park uses in terms of their consistency with applicable legislation, executive orders, and regulations, as well as their actual and potential effects on park values, purposes, and resources.

Section 9.80 Purpose

The purpose of these regulations is to govern mineral resource assessment activities conducted pursuant to section 1010 of ANILCA in Alaska units of the National Park System. The regulations do not address the conduct of AMRAP activities on lands managed by the U.S. Fish and Wildlife Service, the Bureau of Land Management, or the U.S. Forest Service. The regulations ensure, consistent with section 1010(b) of ANILCA, that the agencies carry out AMRAP activities in an environmentally sound manner that does not result in lasting environmental impacts that appreciably alter the natural character of the units or biological or ecological systems in the units. Also consistent with section 1010(b), the regulations ensure that the activities are conducted in a manner that is compatible with the purposes for which the units are established. Consistent with the NPS Organic Act, the regulations ensure that AMRAP activities are conducted in a manner that leaves park resources and values unimpaired for the enjoyment of present and future generations.

Section 9.81 Scope and Applicability

All activities conducted under AMRAP authorized by section 1010 of ANILCA in Alaska units of the National Park System will be subject to the regulations of this Subpart.

This section requires that all AMRAP activities conducted in parks meet the requirements of ANILCA, these regulations, the terms and conditions of any permit approved under this Subpart, and any other applicable statutes and regulations and any amendments.

The State of Alaska commented that it finds the proposed regulations acceptable as long as they apply only to lands under NPS management. These regulations apply only to AMRAP activities conducted on public lands in units of the National Park System in Alaska.

Section 9.82 Definitions

This section defines certain terms and establishes particular meanings for those terms as used in this subpart.

The term AMRAP Activities defines the types of mineral resource assessment techniques, methods, and related activities that may be conducted in park units under the AMRAP program. Such activities may be conducted only by authorized AMRAP agencies and their contractors and are subject to the conditions and stipulations of a permit issued by the NPS.

The final rule differs from the proposal in that it states that AMRAP activities include access into, across, through or over a unit of the National Park System when such access is incidental to mineral resource assessments conducted under AMRAP. This change is made to clarify that all activities being conducted inside parks, including aerial observation, are regulated.

Only mineral resource assessment methods or techniques that do not result in appreciable lasting environmental impacts on park resources and values may be permitted by the NPS as AMRAP activities. These techniques may include hand sampling of geologic materials, and instrumental remote-sensing measurement. Certain geophysical techniques also may be allowed. Paleomagnetic specimens may be collected by using a hand held drill to remove small cylindrical samples.

Mineral resource assessment techniques and geophysical methods will be permitted only when (1) No explosives are used, (2) they are consistent with the standards set out in § 9.86 of this Subpart, and (3) they are

consistent with the applicable provisions of the Wilderness Act and NPS policies for wilderness management. The use of motorized equipment or mechanical transport, including motorboats and aircraft, in wilderness areas may be restricted by the NPS and will be authorized only in accordance with each park's wilderness management plan. Pursuant to section 1010(a) of ANILCA, core and test drilling are explicitly prohibited in park units. This prohibition includes exploratory drilling of oil and gas wells. Under these regulations, the use of explosives is specifically prohibited as an AMRAP activity because of the nature of impacts associated with that technique.

The NPCA stated that, under this section, the NPS will have the burden of assessing whether a particular technology will or will not result in an appreciable lasting impact. The NPCA also questioned whether AMRAP is meant to allow the testing of new mineral assessment methods and technologies and if new technologies are used, additional time must be allowed in the processing of such proposals.

The NPS believes it appropriate that it makes AMRAP permitting decisions based on the information submitted by the AMRAP agency in the permit application and other information available to the NPS, such as general management plans, wilderness management plans, and other published or unpublished environmental documents or information.

The NPS agrees with the comment that the evaluation of new or untested technologies may require more extensive information than existing technologies, and in some cases site specific studies may be needed to evaluate the effects of such technologies prior to their use in parks. The NPS will not permit any AMRAP activities that do not meet the criteria of § 9.86(c).

An individual questioned being able to ascertain the economic value of a placer deposit associated with a mining claim for claim validation or condemnation purposes without a core drilling sample. The purpose of AMRAP is not to provide claim validation or specific mineral appraisal information, but rather to provide data to Congress on the mineral potential of public, not private, lands in Alaska. Additionally, core and test drilling in units of the National Park System for the purposes of AMRAP is specifically prohibited by Congress in section 1010(a) of ANILCA.

AMRAP Agencies are defined as those agencies in the Department of the Interior that are authorized by the Secretary to perform mineral resource assessment work under § 1010 of

ANILCA on Federal lands in Alaska. This work is primarily conducted by the USGS, BOM, and MMS. Other Interior agencies may in the future request access to park lands to conduct mineral resource assessments. Mineral resource assessment work is subject to the conditions and stipulations of permits issued by the NPS. An AMRAP agency may enter into a legally-binding contract with a third party for conducting work under AMRAP. Any State or Federal agency, university, or private entity under a contract with an AMRAP agency must conduct the contracted AMRAP work in accord with the NPS permit issued to the AMRAP agency. The AMRAP agency will be responsible for all contractor activities on park lands.

The NPCA commented that while the USGS is the primary agency responsible for AMRAP research, it should also be the only agency authorized to conduct AMRAP activities in parks. They commented that an agency with science as its mission ought to be the primary investigator and collector of geologic, geochemical, geophysical and mineral deposit data. They suggested that the definition of AMRAP agency be changed to read "as only those agencies in the Department of the Interior whose primary mission is scientific investigation that are authorized * * *"

The NPS agrees that park units contain valuable scientific baseline information that may warrant investigation by science-oriented agencies. However, it may be necessary for those agencies whose primary mission is not solely scientific to evaluate geologic or other information inside parks to extrapolate data on the mineral resource potential of lands under their jurisdiction for AMRAP purposes. For example, exposed geologic formations inside parks may yield data which reveals characteristics similar to unexposed formations on adjacent lands.

A definition of the term Superintendent has been added at § 9.82(e) to provide clarity of the NPS permitting process for AMRAP activities.

The USGS suggested that a definition of the term "minerals" that mentions both fuel and nonfuel mineral resources be added to § 9.82. The NPS believes that defining "minerals" in this regulatory program is not appropriate. ANILCA, and specifically § 1010, does not define what constitutes a mineral resource assessment. Section 1010 authorizes the Secretary to assess oil, gas and "other" mineral potential on public lands in Alaska. The broad programmatic goals of AMRAP as

identified by the Secretary is a more appropriate vehicle for defining the extent of this mineral resource assessment program.

Section 9.83 Coordination of AMRAP Activities in National Park System Units

This section establishes the basic process for coordinating AMRAP activities among AMRAP agencies and the NPS. The final rule contains minor editorial changes from the proposal.

Section 9.83(a). This subsection requires each AMRAP agency to designate a lead official who will be responsible for working and coordinating with the NPS thereby ensuring compliance with these regulations. This individual is intended to act as a focal point for that agency, assimilating all AMRAP activities for a particular year rather than each investigator submitting separate proposals to the NPS.

Section 9.83(b). Under this subsection, by January 1 of each year, AMRAP agencies will coordinate and, in consultation with the NPS Regional Director, set a date for an interagency coordination meeting. The coordination meeting, consisting of representatives from the AMRAP agencies and the NPS, will be held by January 31. The purpose of the meeting is to review annual and long-term work plans of all AMRAP agencies. The NPS and the AMRAP agencies will seek to eliminate duplication of overlapping mineral resource assessment activities and to encourage coordination of access and logistics where agency operations occur in close proximity to each other. This coordinated review process will help ensure that impacts to park resources and values from AMRAP activities are minimized.

The BLM commented that this section would be more precise by requiring that the date for setting the coordination meeting be no later than the last working day of the previous year. The NPS does not believe there is a substantive difference between the BLM recommendation and the language of the proposed rule; therefore, this section of the final rule is unchanged.

Section 9.84 Application Requirements

This section establishes the minimum application requirements and timeframes for the AMRAP agencies to provide the NPS with mineral resource assessment information. Such information is necessary for the NPS to ensure that AMRAP activities are carried out in an environmentally sound manner. Processing of permit

applications by the NPS within established timeframes is essential to enable the AMRAP agencies to timely and efficiently complete logistical, contracting, and staffing arrangements. Normally helicopter and other support contracts must be negotiated, advertised, or obligated well in advance of the field season to assure availability.

Section 9.84(a). The proposed rule required that prior to each field season, but no later than March 1 of each year, each AMRAP agency submit to the NPS a complete application for proposed AMRAP activities to be conducted in Alaska park units. Proposed § 9.86(a) required that, by April 15, the Regional Director take action on applications submitted pursuant to § 9.84. This established a 1½ month review period for the NPS. The preamble to the proposed rule was in error by stating that AMRAP agencies must have their applications submitted to the NPS no later than January 31, thereby establishing a 2½ month review period for the NPS.

The EPA commented that the 1½ month review time established in the proposed rule may not be adequate for the NPS to complete analyses necessary for compliance with NEPA and other environmental laws. The NPCA also suggested that the NPS review time be extended to 2½ months.

Upon additional consideration by the NPS, the NPS agrees that a longer review period is necessary to ensure adequate compliance with pertinent environmental laws during the permitting process. Therefore, final § 9.84(a) requires that AMRAP agencies submit permit applications to the NPS no later than February 15 of each year. This establishes a 2-month review period for the NPS with final action on the applications to be taken by April 15. This change should not present a burden to the AMRAP agencies because most project proposals should be well established and identified for discussion at the annual coordination meeting to be held by January 31. AMRAP agencies will prepare specific program information and may prepare permit applications for discussion at that meeting. Following the coordination meeting, AMRAP agencies will have a minimum of 2 weeks to revise, update or develop additional permit applications based on agreements reached at the meeting.

Applications may cover proposed activities to be conducted only in the current field season or may include activities for subsequent field seasons if adequate information is available about future field work. Applications that do not meet the requirements of § 9.84(b)

will be returned to the AMRAP agency for revision or additional information.

Section 9.84(b). This subsection establishes the minimum requirements for information to be submitted to the NPS for issuance of a permit for proposed AMRAP activities. The information required includes the names of the AMRAP agency organizational office(s) that will actually conduct AMRAP activities and the names of any contractual representative that may be involved in the activities.

The application must include the overall project objectives, maps showing the areas where the activities are proposed to be conducted, and the estimated dates on which the activities are proposed to begin and end. A description of the mineral resource assessment techniques or methods and equipment to be used on each project is also required.

The BLM requested clarification of § 9.84(b)(4) regarding the overall project objectives. Although Congress set forth the broad purpose for AMRAP in § 1010, each AMRAP agency has a specific role and defines the purpose of its AMRAP role with greater specificity. Overall project objectives is intended to describe how the proposed data collection activities fit into the broad project goals and the agency AMRAP program. Due to the multiyear nature of many AMRAP projects, the NPS needs an overall understanding of the agency's program and project goals. It also needs to have annual activity descriptions to issue AMRAP permits with appropriate resource protection stipulations and to conduct environmental compliance. In addition, the NPS receives many requests for other types of research permits, including requests from other departments of these AMRAP agencies. The NPS needs a way to separate AMRAP requests from other research requests.

Agencies must provide NPS with a description of the method to be used to access each area of proposed activity. This subsection requires a description of support requirements necessary for each project, including a description of base camps, fuel storage, or any other equipment.

The application must include a discussion which demonstrates that the methods used to conduct the activities can be carried out in an environmentally sound manner using the best available and least impacting technology. The AMRAP agency must also describe the environmental and physical effects of AMRAP activities to allow for adequate environmental analysis. The Regional Director may require additional information on the proposed activities if

such information is necessary to fully assess the nature, extent, location, or effects of the activities.

The NPCA suggested that the phrase "in an environmentally sound manner" as used in § 9.84(b)(10) and elsewhere in the final rule be changed to "in a manner that leaves units unimpaired and does not provide for derogation of park values and purposes" to be consistent with the NPS Organic Act. The NPCA also commented that the least impacting technology could impair park values. The purpose of this section is for the NPS to obtain adequate information from the AMRAP agency on its proposed activities to allow the NPS to achieve appropriate environmental compliance. In considering the approval of AMRAP activities, the NPS will apply the standards set forth in § 9.87(c). The NPS will consider the effects of the proposed activities on wilderness areas, visitor use, endangered species and other wildlife, cultural resources, and other park resources and values.

Section 9.85 Environmental Compliance

This section establishes a firm responsibility for each AMRAP agency to provide the NPS with sufficient information on proposed projects to allow the NPS to meet its responsibilities under all applicable environmental compliance requirements. This section also affirms the responsibility of each AMRAP agency to independently research and secure all appropriate Federal, State and local permits for their activities.

All NEPA compliance will be conducted by the NPS in accordance with applicable regulations, standards, and guidance, including NPS 12: NEPA Compliance Guideline. The National Historic Preservation Act of 1966, 16 U.S.C. 470-470w-6, is specifically identified in the final rule for clarification of the NPS responsibility for compliance with this statute.

The Sierra Club Legal Defense Fund questioned whether a two-stage environmental assessment process would be necessary to examine the long range effects of the program as well as the park specific effects of each individual project. As discussed above, NPS environmental compliance will be conducted in accordance with applicable environmental laws and regulations.

Section 9.86 Application Review Process and Approval Standards

This section establishes the NPS Regional Director as the approving authority for AMRAP activities and

provides timeframes consistent with assuring compliance with applicable laws and regulations. It also codifies approval standards to be applied by the NPS in evaluating proposed AMRAP activities.

Section 9.86(a). The language of this subsection is slightly changed from the proposal to reflect that the Regional Director will make a decision on permit applications so that final action can be taken by April 15. This change is necessary because under final § 9.87(a), the appropriate park superintendents will issue the specific AMRAP permits.

Section 9.86(b). The Regional Director is responsible for approving permit applications for AMRAP activities assuring coordination and consistency among requested AMRAP activities in various parks. Park superintendents will review and make recommendations to the Regional Director on projects proposed in their parks. Under final § 9.87(a), park superintendents will issue permits for AMRAP activities approved by the Regional Director.

Section 9.86(c). This subsection sets out the specific standards by which the Regional Director may approve AMRAP activities. Consistent with section 1010(b) of ANILCA, the proposed activities may not be approved if they will not be carried out in an environmentally sound manner, or will result in lasting impacts to the environment. Additionally, AMRAP activities may not be approved if they are incompatible with the purposes and values for which the unit was established, or if the activities would adversely affect the resources of the area. There may be some proposed activities where the standards for approval do not allow the Regional Director to approve the activities. Denial of a permit for AMRAP activities means the project design or other features of the proposal has not met the standards set forth in this subsection.

The NPCA suggested the addition of language to this section that allows the Regional Director to not approve activities when the absence of data does not allow for an adequate assessment of whether or not the proposed activity will impair park values and resources. Final § 9.84 sets the minimum information requirements for AMRAP permit applications. The Regional Director may request additional information on a specific project as is needed for compliance with these regulations or for compliance with other applicable laws or regulations. The Regional Director's decision to approve, disapprove or require modification of a permit application will be made in accordance with the standards set forth

in § 9.86(c) as supported by appropriate environmental compliance documentation.

The BLM commented that the phrase "adversely affect" in § 9.86(c)(3) should be changed to "significantly impair" or some other wording that would "indicate a degree of impact." The NPS does not agree. Both phrases indicate a degree of impact with the former more reflective of the NPS mission and Congressional intent. Adverse effects to visitors, wildlife, cultural resources and wilderness values, among others, must be considered by the NPS when permitting AMRAP activities in parks. This is more in keeping with the intent of § 1010(b) which restricts activities to those which don't result in lasting environmental impacts that appreciably alter the character or resources of the units. The NPS does not believe that Congress intended to allow AMRAP activities to occur in parks right up to the threshold of "significance" before they are curtailed or modified. The NPS further believes that a measure of impact based on significant impairment could result in resource impacts beyond that which is environmentally sound, and therefore goes beyond the intent of § 1010(b).

Section 9.87 Permitting Requirements and Standards

This section sets forth specific permit standards and requirements to be applied to all approved permits.

Section 9.87(a). No AMRAP activities may be conducted in park units without a permit approved by the NPS. Final § 9.87(a) differs from the proposal in that it specifically gives park superintendents, instead of the Regional Director, the authority to issue permits for approved AMRAP activities. This will ensure that park specific concerns are incorporated into the permits and that AMRAP agencies work with park staff who will actually monitor the projects. All permits will be issued in accordance with this Subpart, 36 CFR 1.6 (NPS regulatory authority to issue Special Use Permits), and other applicable regulations, guidelines, and policies, including NPS-53: Special Park Uses Guideline. Permit issuance by the Superintendents will be in accordance with the timeframes established under § 9.86(a).

Section 9.87(b). The Sierra Club Legal Defense Fund suggested that the regulations explicitly require that, whenever possible, base camps be located outside of park boundaries and fixed wing aircraft be used instead of helicopters. The NPS agrees that base camps should be located outside of parks when possible. During permit

review, NPS will evaluate and approve base camp locations on a case-by-case basis. Base camps will be required to be located outside of park boundaries where it is necessary to minimize resource impacts and where such suitable alternatives exist. Access to park areas will be evaluated for each permit. If helicopter use is necessary, it will be required to comply with existing policies, directives and wilderness management plans. Certain types or times of access may be restricted.

The BLM suggested that the language in proposed § 9.87(b) be changed by deleting the word "and" from the phrase "certain areas and during sensitive periods." The BLM believes that § 1010 requires all Federal lands be available for AMRAP, at least to aerial observation, at some time when the mineralization is visible and assessments are possible, while still allowing NPS ultimate control over all of the park resources. The NPS must retain the option to control AMRAP activities, including aerial observation, in areas during periods when those areas are restricted or closed to use by the NPS. Such areas may include wildlife breeding areas, areas of cultural or historic significance, or other types of highly sensitive areas. Helicopter or other types of aircraft access must be in accordance with existing NPS policies and restrictions. Other types of access will be evaluated based on the areas to be accessed, seasonal conditions, and any applicable restrictions or closures. The NPS does not intend to permanently close areas to AMRAP activities. The regulatory language in final § 9.87(b) is therefore unchanged.

Section 9.87(c). The BLM suggested that this subsection be expanded to (1) explain how and by whom the determination will be made that an area needs to be further cleaned or restored, (2) give examples of why the NPS would consider an AMRAP agency's reclamation work inadequate, and (3) provide for AMRAP agency input or an appeals process.

Section 9.87(c) requires that the AMRAP agency or its contractors leave an area in an unimpaired state. The determination of whether an area has been left in an unimpaired condition will be made by the NPS and based on a review of the AMRAP agency's compliance with approved permit stipulations. For example, any holes resulting from hand tool sampling will be required to be backfilled to eliminate all signs of disturbance. Where samples are taken under a thick vegetative cover, all attempts will be made to salvage and replace the vegetation after the sample

is taken and the hole backfilled. Support camp sites or other land disturbing activities associated with the mineral resource assessments will be restored and abandoned so as to leave the area in its natural condition. If it becomes necessary for the NPS to restore an area affected by AMRAP activities, the costs for such restoration will be recoverable from the AMRAP agency. Any appeal by an AMRAP agency of a final decision concerning reclamation or abandonment of a site is permissible under § 9.89.

Section 9.87(d). The Bureau of Mines commented that the preamble discussion on § 9.87(d) be clarified to state that non-proprietary data obtained from private lands is not available to the public. Section I.B. of the preamble for the proposed rule was confusing in that it discussed the collection of data from private lands pursuant to AMRAP. It is important to clarify that AMRAP authorized by § 1010 of ANILCA applies only to the collection of mineral resource data from public lands in Alaska. The regulations adopted here today by the NPS apply only to the collection of information from public lands in park units in Alaska.

The BLM commented that any unpublished information would not be "public information", and should therefore be available to the public only under guidelines of the Freedom of Information Act. The NPS believes that AMRAP information gathered on public lands in parks, including unpublished information, should be made available to the public. Therefore, all AMRAP information will be available to the public through the normal procedures for disseminating information used by the various agencies, including procedures implementing the Freedom of Information Act.

The BLM also suggested that § 9.87(d) be changed to read "Copies of all pertinent public information provided to Congress resulting from AMRAP activities conducted in units of the National Park System shall be provided to the Regional Director by the AMRAP agency conducting the inventory." The BLM believes that since no mineral extraction can occur on park lands, proposed § 9.87(d) would result in the production of written reports that are of no use to NPS and would be a waste of time, materials, storage space and funds.

The NPS disagrees that the section 1011 ANILCA report to Congress contains adequate information for NPS management purposes. That document consists of a summary of the mineral resource assessment work conducted under AMRAP and other programs and contains a bibliography of completed studies but not a complete discussion of

final results and findings of specific studies in parks. Published scientific documents and written reports are important for NPS managers for their use in interpretation, resource management, and in determining future research needs. Final § 9.87(d) continues to require that the NPS receive copies of all published or written reports resulting from AMRAP activities conducted in parks.

Section 9.87(e). This subsection acknowledges the authority of the NPS to monitor ongoing AMRAP activities to ensure that they are conducted pursuant to these regulations and the terms and conditions of the approved permit.

Section 9.88 Permit Modification, Suspension, and Cancellation

This section sets forth the procedures and requirements for modifying, suspending, or canceling an approved permit. This section differs from the proposal in that it gives park superintendents the authority to suspend or cancel, and in certain cases modify, approved permits. This change allows for a more efficient permitting process.

Section 9.88(a). Under this subsection, an AMRAP agency may submit a written proposal to the Regional Director to modify an approved permit. Modifications may be necessary in order to allow for changes in sampling methods or techniques or to make adjustments due to changes in weather, staffing, transportation or budget. The Regional Director must review and act upon the modification within a reasonable timeframe so scheduling of that field season's activities can proceed. The appropriate park superintendent will amend the approved permit based on the Regional Director's approval of the AMRAP agency's requested modification.

Section 9.88(b). This subsection establishes the conditions under which a Superintendent may modify, suspend or cancel an agency's permit to conduct AMRAP activities. A permit may be modified, suspended or canceled when the Superintendent finds that there is an imminent threat to public health and safety or natural and cultural resources of the unit; or the AMRAP agency or its contractors are in violation of applicable laws or the approved permit.

Section 9.88(c). This subsection sets the procedural requirements for dealing with modifications, suspensions and cancellations of approved permits. The final rule clarifies that this subsection applies to modifications, suspensions and cancellations pursuant to § 9.88(b).

Section 9.88(d). This subsection establishes that permit suspension or

cancellation does not relieve the AMRAP agency or its contractors of the obligation to restore any location in accordance with these regulations and to meet all other requirements of the approved permit.

Section 9.89 Appeals

Any final action taken by the Regional Director pursuant to these regulations may be appealed by an AMRAP agency to the Director of the National Park Service. If resolution of the issue cannot be reached, the issue will be elevated to the Department for resolution.

The BLM suggested that this section be changed to state that the 30 day appeals process begin with the AMRAP agency's receipt of the Regional Director's final decision, not the actual date of the final decision. The NPS acknowledges that there may be some delays in notification and therefore has made the requested change in the final rule. However, the time period between the Regional Director's final decision and notification to the AMRAP agency should be minimal especially with current day reliance on FAX machines and telephones.

III. Procedural Matters

Federal Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* The subject rules apply only to Federal agencies and their contractors.

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 *et seq.*) the NPS has prepared an environmental assessment (EA) of these regulations. The analysis in the EA shows that implementation of the regulations will not be a major Federal action that would have a significant effect on the quality of the human environment requiring the preparation of an environmental impact statement. The EA is on file in the following NPS offices: Mining and Minerals Branch, Land Resources Division, room 3223, 1100 L Street NW., Washington, DC (P.O. Box 37127, Washington, DC 20013-7127); and the NPS Alaska Regional Office, room 206, 2525 Gambell Street, Anchorage, Alaska 99503.

Regulatory Flexibility Act and Executive Orders 12291 and 12630

The NPS has determined and the Department of the Interior has certified that this action will not have a

significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule has been reviewed in conformity with Executive Order 12291 and has been classified as not major. This action does not constitute a major rule since its implementation will not result in: (i) An annual effect on the economy of \$100 million or more; (ii) major increases in costs or prices for consumers, individual industries, Federal, State or local governments, or a geographic region; or (iii) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

These regulations do not require the preparation of a Takings Implication Assessment pursuant to Executive Order 12630 because the rules will not affect the use or value of private property.

Author

The principal author of this regulation is Sharon P. Kliwinski, Mining and Minerals Branch, National Park Service.

List of Subjects in 36 CFR Part 9

Environmental protection, Mines, National parks, Oil and gas exploration, Public lands—mineral resources, Public lands—rights-of-way.

For the reasons discussed in the preamble, Chapter I of title 36 of the Code of Federal Regulations is amended by adding subpart D to part 9 to read as follows:

PART 9—MINERALS MANAGEMENT

Subpart D—Alaska Mineral Resource Assessment Program

Sec.

- 9.80 Purpose.
- 9.81 Scope and applicability.
- 9.82 Definitions.
- 9.83 Coordination of AMRAP activities in National Park System units.
- 9.84 Application requirements.
- 9.85 Environmental compliance.
- 9.86 Application review and approval standards.
- 9.87 Permitting requirements and standards.
- 9.88 Permit modification, suspension, and cancellation.
- 9.89 Appeals.

Subpart D—Alaska Mineral Resource Assessment Program

Authority: 16 U.S.C. 410hh; 16 U.S.C. 3101, *et seq.*; 16 U.S.C. 1, *et seq.*; 16 U.S.C. 347; 16 U.S.C. 410bb; 16 U.S.C. 431; 16 U.S.C. 1131 *et seq.*

§ 9.80 Purpose.

These regulations govern the conduct of the mineral resource assessment activities authorized under § 1010 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3101, *et seq.*, in units of the National Park System in Alaska. The regulations are designed to ensure that authorized Federal agencies and their contractors carry out mineral resource assessment activities in an environmentally sound manner that does not result in lasting environmental impacts that appreciably alter the natural character of the units, or biological or ecological systems in the units; is compatible with the purposes for which the units are established; and ensures that all units are left unimpaired and preserved for the enjoyment of present and future generations.

§ 9.81 Scope and applicability.

These regulations apply to all activities conducted by authorized agencies and their contractors on public lands in units of the National Park System in Alaska under the Alaska Mineral Resource Assessment program (AMRAP) as authorized by section 1010 of ANILCA. AMRAP activities conducted under this subpart shall be performed in accordance with ANILCA, the regulations in this subpart, the terms and conditions of an approved permit, and other applicable statutes and regulations, and amendments thereto.

§ 9.82 Definitions.

The terms used in this subpart shall have the following meaning:

(a) *AMRAP* means the Alaska Mineral Resource Assessment Program authorized by section 1010 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), 16 U.S.C. 3150.

(b) *AMRAP Activities* means any project, method, technique or other activity incidental to mineral resource assessments conducted by authorized AMRAP agencies or their contractors in units of the National Park System in Alaska pursuant to section 1010 of ANILCA under an approved permit. AMRAP activities include access into, across, through, or over a unit of the National Park System for the conduct of those activities. Only mineral resource assessment methods or techniques that do not result in lasting impacts on park resources and values may be permitted as AMRAP activities. Mineral resource assessment techniques may include aerial photography; remote sensing; hand-sampling of geologic materials; hand-sampling or hand-augering methods for geochemical analyses; and geophysical techniques such as magnetic, electrical, electromagnetic,

chemical, radioactive, and gravitational methods. Mineral resource assessment activities may be permitted as long as:

- (1) No explosives are used,
- (2) They are consistent with § 9.86 of this subpart, and
- (3) They are consistent with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*) and National Park Service policies concerning wilderness management and the use of motorized equipment in wilderness areas.

Core and test drilling, including exploratory drilling of oil and gas test wells, are explicitly prohibited as AMRAP activities in units of the National Park System.

(c) *AMRAP agencies* means those agencies of the U.S. Department of the Interior that are authorized by the Secretary to perform mineral resource assessment activities pursuant to section 1010 of ANILCA.

(d) *Regional Director* means the Regional Director of the Alaska Regional Office of the National Park Service (NPS), or the Regional Director's designee.

(e) *Superintendent* means the Superintendent, or his/her designee, of the unit of the National Park System in Alaska where AMRAP activities are conducted or proposed to be conducted.

§ 9.83 Coordination of AMRAP activities in National Park System units.

(a) To facilitate compliance with this Subpart, each AMRAP agency will designate a coordinator for AMRAP activities in Alaska who will be the central point of communications with the NPS. The AMRAP agency is responsible for notifying the Regional Director of such designation.

(b) By January 1 of each year, the designated coordinators for the AMRAP agencies will, in consultation with the Regional Director, schedule an interagency meeting to be held by January 31 of each year. Representatives of the AMRAP agencies and the NPS will meet to develop a mutually agreeable schedule of AMRAP projects and activities in Alaska units of the National Park System. Where practicable, AMRAP agencies will consolidate their field activities, including access and field camps, to minimize disturbance to park resources and values.

§ 9.84 Application requirements.

(a) By February 15 of each year, the designated coordinator of each AMRAP agency will forward to the Regional Director an application pursuant to § 9.84(b) for proposed AMRAP projects

and activities discussed and reviewed at the annual coordination meeting held under § 9.83(b). Applications requiring additional information will be promptly returned to, or discussed with, the coordinator of the involved AMRAP agency to resolve any deficiencies.

(b) Applications will be submitted in a form and manner prescribed by the Regional Director and will contain at a minimum:

(1) The name of the AMRAP agency and responsible office and, where applicable, its designated contractual representative that will conduct the proposed activities;

(2) The name, office address and telephone numbers of the AMRAP agency persons or contractor persons who will supervise the proposed activities, and a list of all individual's names, addresses and telephone numbers who will be present at field activities;

(3) A list of any previous AMRAP activities or prior geologic and mineral resource assessments that have occurred in the proposed study area;

(4) A discussion of overall project objectives, schedules and products, and how the proposed activities for the current application relate to those objectives;

(5) A description of the activities proposed for approval, including a detailed description of the collection techniques, sampling methods and equipment to be used in each area;

(6) Topographic maps identifying the specific areas in units of the National Park System where the agency proposes to conduct each AMRAP activity;

(7) The approximate dates on which the AMRAP activities for each area are proposed to be commenced and completed;

(8) A description of access means and routes for each area in which work is proposed including an estimate of the number of flights or number of vehicle trips;

(9) A description of the field support requirements proposed for locations on lands within units of the National Park System, including camp sites, fuel storage areas, and any other requirements;

(10) A discussion which documents that proposed activities will be carried out in an environmentally sound manner utilizing the least impacting technology suitable for the purposes of the project; and

(11) A description of how any disturbed areas, such as camp sites, will be reclaimed.

§ 9.85 Environmental compliance.

Each AMRAP agency is responsible for obtaining all required Federal, State, and local permits and must provide sufficient information to the NPS to ensure appropriate compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*), and other applicable statutes.

§ 9.86 Application review process and approval standards.

(a) The Regional Director will review applications submitted pursuant to § 9.84 and will ensure that final action is taken on such applications by April 15 of each year. If additional review time is necessary to ensure compliance with this Subpart or with other applicable laws, Executive Orders and regulations, the Regional Director will promptly notify the AMRAP agency coordinator of the anticipated date of a final decision.

(b) The Regional Director is responsible for approving AMRAP activities in units of the National Park System in Alaska.

(c) To be approved, proposed AMRAP activities must be designed to be carried out in an environmentally sound manner, as determined in appropriate environmental documentation, that:

(1) Does not result in lasting environmental impacts that appreciably alter the natural character of the units or the integrity of the biological or ecological systems in the units; and

(2) Is compatible with the purposes and values for which the units are established; and

(3) Does not adversely affect the natural and cultural resources, visitor use, or administration of the area.

§ 9.87 Permitting requirements and standards.

(a) AMRAP activities approved by the Regional Director may be conducted in units of the National Park System pursuant to a permit issued by the Superintendent in accordance with this subpart, 36 CFR 1.6, and other applicable regulations, guidelines and policies.

(b) The NPS may restrict the conduct of AMRAP activities in certain areas and during sensitive periods, such as nesting, calving and spawning seasons, to minimize impacts to fish and wildlife or to comply with existing policies or directives.

(c) All project areas affected by AMRAP activities shall be left in an unimpaired state by the AMRAP agency and its contractors. All costs borne by the NPS in cleaning or restoring an area

affected by AMRAP activities will be recoverable from the AMRAP agency.

(d) Copies of all published information or written reports resulting from AMRAP activities conducted in units of the National Park System shall be provided to the Regional Director.

(e) The NPS reserves the right, without prior notice to the AMRAP agency or its contractors, to observe or inspect AMRAP activities to determine whether such activities are being conducted pursuant to this subpart and the terms and conditions of the approved permit.

§ 9.88 Permit modification, suspension, and cancellation.

(a) A proposal to modify, supplement, or otherwise amend an approved permit shall be made by an AMRAP agency by written request to the Regional Director. The Regional Director shall review and promptly act on the proposed modification pursuant to the standards set forth in § 9.86. An AMRAP agency may not undertake any of the activities proposed in the modification until the Regional Director approves the modification and the Superintendent amends the approved permit.

(b) The Superintendent may modify, suspend or cancel an AMRAP agency's permit by notifying the agency in writing, or orally in an emergency situation, when the Superintendent determines that:

(1) Changes to the permit are necessary to address conditions not previously anticipated; or

(2) There is imminent threat of serious, irreparable, or immediate harm or danger to public health and safety, or the natural and cultural resources and values of the unit; or

(3) The AMRAP agency or its contractors fails to comply with the provisions of ANILCA or of any other applicable law or regulation, the provisions and conditions of the approved permit and any modification thereto, or any written or field orders issued by the Superintendent.

(c) Modification, suspension, or cancellation of an approved permit pursuant to paragraph (b) of this section shall be effective immediately upon receipt of oral or written notice from the Regional Director or the Superintendent. Notices issued orally shall be followed by written notice sent by certified mail within three (3) working days confirming and explaining the action. Suspensions shall remain in effect until the basis for the suspension has been corrected to the satisfaction of the Superintendent. Cancellation notices shall state the reason for cancellation and shall be sent

by the Superintendent to the AMRAP agency at least fourteen (14) days in advance of the date the cancellation will become effective.

(d) Suspension or cancellation of a permit to conduct AMRAP activities shall not relieve the AMRAP agency or its contractors of the obligation to restore any location in accordance with the requirements of this subpart and to comply with all other obligations specified in this subpart and in the permit.

§ 9.89 Appeals.

Written appeals made within 30 days of notification of a final decision by the Regional Director pursuant to this subpart shall be reviewed by the Director of the National Park Service. Resolution of any outstanding issues shall follow current Department of the Interior procedures for resolving interagency disputes.

Dated: April 24, 1991.

J.F. Spagnole,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 91-11554 Filed 5-15-91; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that

the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Alabama: Jefferson (Docket No. FEMA-7014).	City of Adamsville	Jan. 18, 1991, Jan. 25, 1991, <i>The Birmingham News</i> .	The Honorable Leland C. Adams, Jr., Mayor, City of Adamsville, 4828 Main Street, P.O. Box 309, Adamsville, Alabama 35005-0309.	Jan. 8, 1991	010267
Arizona: Coconino	City of Flagstaff (Docket No. 7011).	Jan. 11, 1991, Jan. 18, 1991, <i>The Arizona Daily Sun</i> .	The Honorable Christopher Bavasi, Mayor, City of Flagstaff, City Hall, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	Dec. 28, 1990	040020