

§ 2204.203 Documentation of fees and expenses.

• • • The Commission may require the applicant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

8. Section 2204.307 is amended by revising paragraphs (a)(1) and (a)(2) and adding a new paragraph (a)(3) to read as follows:

§ 2204.307 Further proceedings.

(a)(1) The determination of an award shall be made on the basis of the record made during the proceeding for which fees and expenses are sought, except as provided in paragraphs (a)(2) and (a)(3) of this section.

(2) On the motion of a party or on the judge's own initiative, the judge may order further proceedings, including discovery and an evidentiary hearing, as to issues other than substantial justification (such as the applicant's eligibility or substantiation of fees and expenses).

(3) If the proceeding for which fees and expenses are sought ended before the Secretary had an opportunity to introduce evidence supporting the citation or notification of proposed penalty (for example, a citation was withdrawn or settled before an evidentiary hearing was held), the Secretary may supplement the record with affidavits or other documentary evidence of substantial justification.

Dated: February 17, 1987.

E. Ross Buckley,
Chairman.

Dated: February 18, 1987.

John R. Wall,
Commissioner.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Fishermen's Contingency Fund

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending 30 CFR Part 218 to combine the provisions of two sections (§§ 218.152 and 218.153), both entitled "Fishermen's Contingency Fund," into a single section. These regulations provide for assessments to lease, permit, easement, or right-of-way holders in the Outer Continental Shelf

(OCS), for the purpose of the establishment and maintenance of a Fishermen's Contingency Fund. The two sections are combined to avoid confusion and simplify MMS regulations governing the Royalty Management Program.

EFFECTIVE DATE: February 23, 1987.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, (303) 231-3432 or FTS 326-3432 in Lakewood, Colorado.

SUPPLEMENTARY INFORMATION:

I. Background

The Outer Continental Shelf Lands Act (OCSLA) Amendments of 1978 (43 U.S.C. 1801 et seq.), established a Fishermen's Contingency Fund (43 U.S.C. 1841) to allow for compensation payments to fishermen for damages to commercial fishing vessels and gear resulting from activities involving oil and gas exploration, development, and production in the OCS. Prior to the assumption of royalty management responsibilities by MMS, pursuant to Secretarial Order No. 3067 of December 3, 1982, the Conservation Division of the U.S. Geological Survey (USGS) had royalty management responsibility, including the assessment and collection of amounts for the establishment and maintenance of a Fishermen's Contingency Fund. Two regulations covering the Fishermen's Contingency Fund were issued by USGS: 30 CFR 250.56 (44 FR 61903, October 28, 1979) and 30 CFR 251.5-8 (45 FR 6347, January 25, 1980).

Section 250.56 was issued by the USGS to provide for assessments to any holder of a lease issued or maintained under the OCSLA. This regulation also applied to any holder of an exploration permit or of an easement or right-of-way for the construction of a pipeline in an area covered by an account under the Fishermen's Contingency Fund. Similarly, § 251.5-8 was issued by the USGS to provide for assessments to the holder of a permit for geological or geophysical exploration activities for mineral resources in an area covered by an account under the Fishermen's Contingency Fund.

After assuming royalty management responsibilities, the MMS issued a Federal Register Notice (48 FR 35630, August 5, 1983) to redesignate and identify regulations in 30 CFR that it would retain and administer. Former USGS regulations, 30 CFR 250.56 and 30 CFR 251.5-8, were redesignated as MMS regulations at §§ 218.152 and 218.153, under Title 30, Part 218, Subpart D (Oil, Gas and Sulfur, Offshore).

Because the two former USGS regulations are under MMS regulations in the same part and subpart, MMS is amending 30 CFR 218 to combine the provisions to avoid confusion and simplify its royalty management regulations.

II. Procedural Matters

Administrative Procedure Act

The changes included in this rulemaking are technical corrections only and not substantive changes. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make this regulation effective upon publication in the Federal Register.

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3601 et seq.

National Environmental Policy Act of 1969

The Department of the Interior has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)).

List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic fund transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Oil and gas exploration, Public lands-mineral resources.

Dated: January 30, 1987.

J. Steven Gelles,
Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR 218 is amended as set forth below:

SUBCHAPTER A—ROYALTY MANAGEMENT

PART 218—(AMENDED)

1. The authority citation for Part 218 is revised to read as follows:

Authority: 25 U.S.C. 398, et seq.; 25 U.S.C. 398a, et seq.; 25 U.S.C. 2101, et seq.; 30 U.S.C. 181, et seq.; 30 U.S.C. 361, et seq.; 30 U.S.C. 1001, et seq.; 30 U.S.C. 1701, et seq.; 43 U.S.C. 1301, et seq.; 43 U.S.C. 1331, et seq.; and 43 U.S.C. 1801, et seq.

2. Section 218.152 is revised to read as follows:

§ 218.152 Fishermen's Contingency Fund.

Upon the establishment of the Fishermen's Contingency Fund, any holder of a lease issued or maintained under the Outer Continental Shelf Lands Act and any holder of an exploration permit or of an easement or right-of-way for the construction of a pipeline, shall pay an amount specified by the Director, ADMS, who shall assess and collect the specified amount from each holder and deposit it into the Fund. With respect to prelease exploratory drilling permits, the amount will be collected at the time of issuance of the permit.

§ 218.153 [Removed and Reserved]

3. Section 218.153 is removed and reserved.

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National Park Service

36 CFR Part 62

National Natural Landmarks Program; National Significance Criteria

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

SUMMARY: This revision to the National Natural Landmarks Program national significance criteria is to clarify the language and sharpen the definition of national significance. The revised criteria will better enable the National Park Service to evaluate additions to the National Registry of Natural Landmarks and better communicate the concept of national significance to the public. Since many persons and organizations seek natural landmark recognition for sites they own or administer, a better understanding of our definition of the concept will help them recognize why few sites qualify, and also assist our contractors in providing us with information we need to make good judgments.

EFFECTIVE DATE: March 25, 1987.

FOR FURTHER INFORMATION CONTACT: Hardy L. Pearce, Intragency Resources Division, National Park Service, Department of the Interior, P.O. Box 37127, Washington, DC 20012-7127, (202) 343-6500.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Interior established the Natural Landmarks Program in 1962 as a natural areas survey to identify and encourage the preservation of features that best illustrate the ecological and geological character of the United States, to enhance the educational and scientific value of sites thus identified, to strengthen public appreciation of natural history, and to foster wider support for conservation of the Nation's natural heritage.

Potential National Natural Landmarks are identified primarily through inventory studies conducted for the National Park Service, and through recommendations received from Federal agencies, State natural heritage programs, and other sources. Recommended areas are surveyed in the field and evaluated with respect to selection criteria by expert natural scientists. If an area is judged nationally significant, it is proposed to the Secretary of the Interior for designation as a National Natural Landmark. Areas so designated are listed on the National Registry of Natural Landmarks, which now includes 573 sites in 48 States, 3 territories, and the Commonwealth of Puerto Rico. Additions to the Registry are published annually in the Federal Register.

Natural landmark designation is not a land withdrawal and affects neither the ownership of a site nor its use. Rather, it is a means of public recognition employed by the Secretary to encourage the preservation, well-informed management, and consideration in public and private planning efforts of nationally significant natural areas without acquisition by the Federal Government.

Public Participation

A proposed rule was published in the Federal Register on May 2, 1986 (51 FR 16349). Two comments were received, and although they were minor and largely of an editorial nature, they were incorporated. A 30-day public comment period opened on May 2, 1986 and was extended on June 2, 1986 for an additional 60 days.

Drafting Information

Drafting of this regulation was done by National Natural Landmarks Program

staff, in consultation with other National Park Service employees, outside scientists, representatives of national conservation organizations, and others.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 18, 1981), 46 FR 12193, and that this document will not have a significant economic effect on a substantial number of small entities as per the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This conclusion is based on the finding that no costs should result for any small entity.

The rule does not contain any information collection or recordkeeping requirements as defined by the Paperwork Reduction Act of 1980.

List of Subjects in 36 CFR Part 62

Natural resources.

PART 62—NATIONAL NATURAL LANDMARKS PROGRAM

For the reasons set out in the preamble, 36 CFR Part 62 is amended as follows:

1. The authority citation for Part 62 continues to read as follows:

Authority: Sec. 1, Pub. L. 74-292, 49 Stat. 666 (16 U.S.C. 461 et seq.); Sec. 2 of Reorganization Plan No. 3 of 1950 (34 Stat. 1282).

2. Section 62.2 is amended by revising the definition "National Significance" to read as follows:

62.2 Definitions.

"National Significance" denotes a site which exemplifies one of a natural region's characteristic biotic or geologic features which has been evaluated, using Department of Interior standards, as one of the best examples of that feature known.

3. Section 62.5 is revised to read as follows:

62.5 National natural landmark criteria.

(a) *Introduction.* "National Significance" denotes a site which exemplifies one of a natural region's characteristic biotic or geologic features which has been evaluated, using Department of Interior standards, as one of the best examples of that feature known. Such features include terrestrial and aquatic ecosystems, geologic structures, exposures, and landforms that record active geologic processes or portions of earth history; and fossil