

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(h) The actions shall be done in accordance with British Aerospace Alert Service Bulletin 53-A-PM6036, Issue 1, dated November 24, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on July 8, 1997.

Issued in Renton, Washington, on May 23, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-14190 Filed 6-2-97; 8:45 am]

BILLING CODE 4910-13-O

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 870

RIN 1029-AB49

#### Abandoned Mine Land Reclamation Fund Reauthorization Implementation; Partial Suspension

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; suspension.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior is suspending its regulation at 30 CFR 870.17. The regulation governs the scope of audits conducted in connection with OSM's abandoned mine land reclamation program. The regulation is being suspended pending new rulemaking.

**EFFECTIVE DATE:** The suspension notice is effective June 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jim Krawchyk, Division of Compliance Management, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220. Telephone 412-921-2676. E-mail: jkrawchyk@osmre.gov.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Matters

## I. Background

On November 5, 1990, the President signed into law the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508. Included in this law was the Abandoned Mine Reclamation Act of 1990 (AMRA) which amended the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.* On May 31, 1994, OSM published final regulations in the **Federal Register** (59 FR 28136) implementing the provisions of AMRA. The final regulations included a revision of 30 CFR 870.17 which specifies who may conduct audits and whose records may be examined. The revision, utilizing the authority in sections 201(c), 402(d)(2) and 413(a) of SMCRA, expanded the scope of section 870.17 to cover the records of all persons involved in a coal transaction, including permittees, operators, brokers, purchasers, and persons operating preparation plants and tipples, and any recipient of royalty payments from the coal mining operation.

In July 1994, the National Coal Association and the American Mining Congress, predecessor organizations of the National Mining Association (NMA), filed suit challenging the regulations promulgated by OSM, specifically the scope of 30 CFR 870.17. On July 23, 1996, in *National Mining Ass'n v. U.S. Department of the Interior*, No. 94-1642 (D.D.C.), the United States District Court for the District of Columbia ruled in favor of OSM. NMA appealed the district court's decision to the United States Court of Appeals for the District of Columbia. After the parties engaged in court-ordered mediation, the Department of Justice, upon OSM's request, filed a motion to hold the case in abeyance pending new rulemaking to resolve the issues in dispute and the U.S. Court of Appeals granted the motion.

Therefore, OSM is suspending section 870.17 and will propose rulemaking to reconsider its scope. During the period of suspension, OSM will continue to conduct audits of operators of surface coal mining operations, as necessary, under the provisions of section 402(d)(2) of SMCRA, and 30 CFR 870.16.

## II. Procedural Matters

### *Executive Order 12866*

This suspension notice has been reviewed under the criteria of Executive Order 12866.

### *Regulatory Flexibility Act*

The Department of the Interior pursuant to the Regulatory Flexibility

Act, 5 U.S.C. 601 *et seq.*, certifies this suspension will not have a significant economic effect on a substantial number of small entities for the same reason that the promulgation of the rule in 1994 did not have such an impact. The particular provision being suspended governs the scope of audits conducted by OSM and will have no economic impact on small entities.

### *National Environmental Policy Act*

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual 516 DM 2, Appendix 1.10.

### List of Subjects in 30 CFR Part 870

Reporting and recordkeeping requirements, Surface mining, Underground mining.

Dated: May 28, 1997.

**Bob Armstrong,**

*Assistant Secretary for Land and Minerals Management.*

Accordingly, 30 CFR Part 870 is amended as set forth below.

### PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

1. The authority citation for Part 870 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*, as amended; and Pub. L. 100-34.

#### § 870.17 [Suspended]

2. Section 870.17 is suspended.

[FR Doc. 97-14392 Filed 6-2-97; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Chapter I and Parts 1, 7, 8, 9, 11, 13, 17, 18, 20, 21, 28, 51, 65, 67, 73 and 78

RIN 1024-AC60

#### General Provisions, Definitions: Change in Organizational Title From Field Director and Field Area to Regional Director and Region

**AGENCY:** National Park Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The National Park Service (NPS) is amending the terms "Field Director" and "Field Area" that came about as a result of a new organizational structure. In 1995, the National Park

Service (NPS) implemented a restructuring plan which called for the use of a number of new organizational titles and terminology. As a result of this reorganization, the terms "Region" and "Regional Director" were changed to "Field Area" and "Field Director" (60 FR 55789). These new terms have proven confusing to the public and other governmental agencies. Because of this, the NPS is reverting back to the historic terms of Region and Regional Director wherever they appear in 36 CFR Parts 1-199.

In addition, this final rule will also eliminate several definitions that appear in more than one location in the Chapter. Removing duplicate definitions will eliminate unnecessary verbiage and is in line with the National Performance Review recommendations for reinventing government.

**EFFECTIVE DATE:** This rule is effective upon the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Dennis Burnett, Ranger Activities Division, National Park Service, at (202) 208-4874.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The National Park System of the United States comprises 374 areas covering over 80 million acres in 49 States, the District of Columbia, American Samoa, Guam, Puerto Rico, Saipan and the Virgin Islands. These areas of national significance justify special recognition and protection in accordance with various acts of Congress. In an Act signed August 25, 1916, Congress established the National Park Service within the Department of the Interior to provide cohesive administration of those Federal parklands under the Department of the Interior's jurisdiction. In August of 1937, the NPS initiated the geographical concept of Regional Offices administered by Regional Directors. This concept eventually led to the establishment of ten Regional Offices by 1980.

As a result of: (1) The NPS' own assessment of a need to change how it accomplished its essential work with increasing constraints; (2) the National Performance Review (NPR), which directed Federal agencies to cut red tape, put customers first, empower employees to get results and reduce layers in organizations; and (3) *The Federal Workforce Restructuring Act of 1994* (Pub. L. 103-226), a government-wide workforce reduction, the NPS implemented a Service wide restructuring of the organization. As a

result of this restructuring, the NPS changed the terms "Region" and "Regional Director" to "Field Area" and "Field Director."

Use of the terms "Field Area" and "Field Director" was not common among NPS staff nor the public and inhibited easy communication. For many years, the NPS used the term "field area" to refer to local operating units and this usage is also common among other Federal and State agencies. While the concept of a Region and Regional Director is fairly well understood by the public, a Field Area and Field Director is either confusing or has no meaning at all. Because of this confusion, the NPS is reverting back to the terms "Region" and "Regional Director."

In keeping with the National Performance Review recommendations for reinventing government, the NPS is also removing several definitions that appear in more than one location of Title 36. The definitions of Secretary, Director and Superintendent appear in several Parts of Title 36. The removal of these duplicate definitions will reduce unnecessary verbiage from the Chapter.

##### **Administrative Procedure Act**

The NPS is adopting this final rule pursuant to the "agency organization" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)) from general notice and comment rulemaking. The NPS believes that this exception from rulemaking procedures is warranted because it is merely a change in agency organizational structure, from Field Director and Field Area to Regional Director and Region, as well as the elimination of numerous duplicate definitions. The NPS finds that notice and comment are unnecessary and contrary to the public interest for this rule.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this final rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest and the interest of the agency. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the NPS has determined that this rulemaking is excepted from the 30-day delay in the effective date and therefore becomes effective on the date published in the **Federal Register**.

**Drafting Information:** The primary author of this rule is Dennis Burnett, Ranger Activities Division, National Park Service, Washington, D.C. 20013.

##### **Paperwork Reduction Act**

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

##### **Compliance With Other Laws**

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined 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.*). The economic effects of this rulemaking are negligible.

NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local, State or tribal governments or private entities.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;

(c) Conflict with adjacent ownership or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

##### **List of Subjects**

###### **36 CFR Part 1**

National parks, Penalties, Reporting and Recordkeeping requirements, Signs and symbols.

###### **36 CFR Part 7**

District of Columbia, National parks, Reporting and recordkeeping requirements.

###### **36 CFR Part 8**

Concessions, Labor, National parks, Reporting and recordkeeping requirements.

**36 CFR Part 9**

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

**36 CFR Part 11**

National parks, Signs and symbols.

**36 CFR Part 13**

Alaska, National parks, Reporting and recordkeeping requirements.

**36 CFR Part 17**

National parks.

**36 CFR Part 18**

Historic preservation, National parks.

**36 CFR Part 20**

Isle Royale National Park; Commercial fishing.

**36 CFR Part 21**

National parks.

**36 CFR Part 28**

National parks, Seashores, Zoning.

**36 CFR Part 51**

Concessions, Government contracts, National parks.

**36 CFR Part 65**

Historic preservation.

**36 CFR Part 67**

Administrative practice and procedure, Historic preservation, Income taxes.

**36 CFR Part 73**

National parks, World heritage convention.

**36 CFR Part 78**

Historic preservation.

In consideration of the foregoing, and under the authority at 18 U.S.C. 1 and 3, 36 CFR Chapter I is amended as follows:

1. 36 CFR Chapter I is amended by removing the term "Field Director" and inserting the term "Regional Director" in its place each time it appears.

**PART 1—GENERAL PROVISIONS**

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

**Authority:** 16 U.S.C. 1, 3, 9a, 460 l–6a(e), 462(k); D.C. Code 8–137, 40–721 (1981).

**§ 1.4 [Amended]**

3. Section 1.4 is amended in paragraph (a) by revising the word "Field" in the heading of the definition for "Field Director" to read "Regional" and placing the definition in the appropriate alphabetical order.

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

4. The authority citation for Part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 80–137 (1981) and D.C. Code 40–721 (1981).

5. The ALPHABETICAL LISTING of national parks following the authority citation for Part 7 is amended in the entry for "National Capital Area, D.C. area" by revising the word "Area" to read "Region".

**§ 7.96 [Amended]**

6. Section 7.96 is amended by revising the word "Area" in the section heading to read "Region".

7. Section 7.96(a) is amended by revising the word "Area" to read "Region".

8. Section 7.96(g)(1)(iii) is amended by revising the word "Area" to read "Region".

9. Section 7.96(g)(1)(viii) is amended by revising the word "Area" to read "Region".

10. Section 7.96(g)(1)(ix) is amended by revising the word "Area" to read "Region".

11. Section 7.96(g)(3) introductory text is amended by revising the word "Area" to read "Region" in the first sentence.

12. Section 7.96(g)(5)(vi)(A) is amended by revising the word "Area" to read "Region".

13. Section 7.96(g)(5)(vi)(D) is amended by revising the word "Area" to read "Region".

14. Section 7.96(g)(5)(xiv) is amended by revising the word "Area" to read "Region" in the first sentence.

**PART 8—LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS**

15. The authority citation for Part 8 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 462(k).

**§ 8.1 [Amended]**

16.–18. Section 8.1 is amended by removing paragraphs (a) through (c) and redesignating paragraphs (d) through (h) as paragraphs (a) through (e), respectively.

**PART 9—MINERALS MANAGEMENT**

19. The authority citation for Part 9 continues to read as follows:

**Authority:** Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 *et seq.*); Act of August 25, 1916 (39 Stat. 535, as amended (16 U.S.C. 1 *et seq.*); Act of September 28, 1976; 90 Stat. 1342 (16 U.S.C. 1901 *et seq.*).

**§ 9.2 [Amended]**

20. Section 9.2 is amended by removing paragraph (l) and redesignating paragraphs (m) through (o) as paragraphs (l) through (n), respectively.

21. Section 9.31 is amended by removing paragraph (j) and redesignating paragraphs (k) through (p) as paragraphs (j) through (o), respectively.

22. Section 9.82 is amended by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).

**PART 11—ARROWHEAD AND PARKSCAPE SYMBOLS**

23. The authority citation for Part 11 continues to read as follows:

**Authority:** Sec. 3, 39 Stat. 535; 16 U.S.C. 3.

**§ 11.1 [Amended]**

24. Section 11.1 is amended by removing paragraph (b) and redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

**PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

25. The authority citation for Part 13 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 462(k), 3101 *et seq.*; § 13.65 also issued under 16 U.S.C. 1a–2(h), 20, 1361, 1531, 3197.

**§ 13.1 [Amended]**

26. Section 13.1 is amended by removing paragraph (r) and redesignating paragraphs (s) through (w) as paragraphs (r) through (v), respectively.

**PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM**

27. The authority citation for Part 17 continues to read as follows:

**Authority:** Sec. 5(a), of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 460l–11(a).

**§ 17.2 [Amended]**

28. Section 17.2 is amended by removing paragraph (a) and redesignating paragraphs (b) through (i) as paragraphs (a) through (h), respectively.

**PART 18—LEASES AND EXCHANGES OF HISTORIC PROPERTY**

29. The authority citation for Part 18 continues to read as follows:

**Authority:** Sec. 207, Pub. L. 96–515, 94 Stat. 2997 (16 U.S.C. 470h–3).

**§ 18.2 [Amended]**

30. Section 18.2 is amended by removing paragraph (c) and redesignating paragraphs (d) through (n) as paragraphs (c) through (m), respectively.

**PART 20—ISLE ROYALE NATIONAL PARK; COMMERCIAL FISHING**

31. The authority citation for Part 20 continues to read as follows:

**Authority:** Secs. 1–3, 39 Stat. 535, as amended, sec. 3, 56 Stat. 133, secs. 1, 2, 67 Stat. 495; 16 U.S.C. 1, 1b, 1c, 2, 3, 408(k).

**§ 20.1 [Amended]**

32.–34. Section 20.1 is amended by removing paragraphs (a) through (c) and redesignating paragraphs (d) and (e) as paragraphs (a) and (b), respectively.

**PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS**

35. The authority citation for Part 21 continues to read as follows:

**Authority:** Sec. 3, Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); sec. 3, Act of March 3, 1891, 26 Stat. 842, as amended (16 U.S.C. 363).

**§ 21.1 [Amended]**

36. Section 21.1 is amended by removing paragraph (a) and redesignating paragraphs (b) through (e) as paragraphs (a) through (d), respectively.

**PART 28—FIRE ISLAND NATIONAL SEASHORE: ZONING STANDARDS**

37. The authority citation for Part 28 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 459e–2.

**§ 28.2 [Amended]**

38. Section 28.2 is amended by removing paragraph (m) and redesignating paragraphs (n) and (o) as paragraphs (m) and (n), respectively.

**PART 51—CONCESSION CONTRACTS AND PERMITS**

39. The authority citation for Part 51 continues to read as follows:

**Authority:** The Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 1 *et seq.*, particularly the Concessions Policy Act of 1965, 16 U.S.C. 20 *et seq.*, and 16 U.S.C. 3.

**§ 51.3 [Removed]**

40. Section 51.3(d) is removed.

**PART 65—NATIONAL HISTORIC LANDMARKS PROGRAM**

41. The authority citation for Part 65 continues to read as follows:

**Authority:** 16 U.S.C. 461 *et seq.*; 16 U.S.C. 470 *et seq.*

**§ 65.3 [Amended]**

42.–43. Section 65.3 is amended by removing paragraphs (d) and (o) and redesignating paragraphs (e) through (r) as paragraphs (d) through (p), respectively.

**PART 67—HISTORIC PRESERVATION CERTIFICATION S PURSUANT TO SEC. 48(g) AND SEC. 170(h) OF THE INTERNAL REVENUE CODE OF 1986**

44. The authority citation for Part 67 continues to read as follows:

**Authority:** Sec. 101(a)(1) of the National Historic Preservation Act of 1966, 16 U.S.C. 470a–1(a)(170 ed.), as amended; Sec 48(g) of the Internal Revenue Code of 1986 (90 Stat. 1519, as amended by 100 Stat. 2085) 26 U.S.C. 48(g); and Sec. 170(h) of the Internal Revenue Code of 1986 (94 Stat. 3204) 26 U.S.C. 170(h).

**§ 67.2 [Amended]**

45. Section 67.2, the definition for “Secretary” is removed.

**PART 73—WORLD HERITAGE CONVENTION**

46. The authority citation for Part 73 continues to read as follows:

**Authority:** 94 Stat. 3000; 16 U.S.C. 470a–1, a–2, d.

**§ 73.3 [Amended]**

47. Section 73.3, the definitions for “Secretary” and “Director” are removed.

**PART 78—WAIVER OF FEDERAL AGENCY RESPONSIBILITIES UNDER SECTION 110 OF THE NATIONAL HISTORIC PRESERVATION ACT**

48. The authority citation for Part 78 continues to read as follows:

**Authority:** National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*

**§ 78.2 [Amended]**

49. Section 78.2, the definition for “Secretary” is removed.

Dated: May 16, 1997.

**Don Barry,**

*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 97–14410 Filed 6–2–97; 8:45 am]

BILLING CODE 4310–70–P

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 4**

**RIN 2900–AE89**

**Schedule for Rating Disabilities; Muscle Injuries**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities of Muscle Injuries. These amendments are made because medical science has advanced, and commonly used medical terms have changed. The effect of these amendments is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria, and that it reflects medical advances that have occurred since the last review.

**EFFECTIVE DATE:** July 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Carroll McBrine, M.D., Consultant, Regulations Staff, Compensation and Pension Service (213A), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington DC, 20420 (202) 273–7230.

**SUPPLEMENTARY INFORMATION:** VA published in the **Federal Register** of June 16, 1993 (58 FR 33235), a proposal to amend those sections of 38 CFR part 4, subpart B, concerning muscle injuries. Interested persons were invited to submit written comments, suggestions or objections on or before July 16, 1993. We received comments from Disabled American Veterans, Veterans of Foreign Wars, Paralyzed Veterans of America and two individuals.

Before this amendment, several sections preceding § 4.71a, “Schedule of ratings-musculoskeletal system,” contained loosely organized and ambiguous medical discussions of injuries and general physiology of the muscles. We proposed to delete redundant material and reorganize the rest.

Three of the commenters suggested that the sections preceding the evaluation criteria be retained without change, since the information in those sections is neither redundant nor readily available elsewhere, especially to the public.

Much of the material in the sections preceding the musculoskeletal portion of the rating schedule was background medical information, and some of it was directed toward medical examiners. We