

the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

**Patricia A. Baker,**

*Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.*

[FR Doc. 97-21099 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Request for Information Collection

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the National Park Service's intention to request approval for information collection in support of its Concession Management Program.

**DATES:** Comments on this notice must be received by September 10, 1997.

**ADDITIONAL INFORMATION OR COMMENTS:** Contact Laurie Shaffer, Concessions Program Center, National Park Service, 12795 West Alameda Parkway, Denver, CO 80225-0287 or 303-987-6911.

#### SUPPLEMENTARY INFORMATION:

*Title:* Comparable Rates Database Survey for River Operations, Livery Operations and Mountaineering Operations.

*Type of Request:* Approval for information collection.

*Abstract:* The National Park Service (NPS) authorizes private businesses known as concessioners to provide necessary and appropriate visitor facilities and services in areas of the National Park System. 16 U.S.C. 20 Section 3 © requires that "The reasonableness of concessioner's rates and charges to the public shall unless otherwise provided in the contract, be judged primarily be comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provision for peakloads, average percentage of occupancy, accessibility, availability and cost of labor and materials, type of patronage, and other factors deemed significant by the Secretary."

This information collection is a survey that requests operators within and outside of the National Park Areas provide information on their operations and the rates that they charge. This

information will be used to establish a comparable database that can be utilized by park personnel in establishing rates in their park areas. The collection of this information is required by law and has been performed on a park by park basis. This collection is an effort to streamline that collection and provide a resource to park managers in the fulfillment of that requirement.

*Estimate of Burden:* Approximately 1 hour per response.

*Estimated Number of Respondents:* Approximately 1500.

*Estimated Number of Responses per Respondent:* One.

*Estimated Total Annual Burden on Respondents:* 1500 hours.

Copies of the survey forms are available upon request. Send comments regarding the accuracy of the burden estimate, way to minimize the burden, including the use of automated collection techniques or other forms of information technology or any other aspect of this collection of information to Laurie Shaffer, Concessions Program Center, National Park Service, 12795 West Alameda Parkway, Denver, CO 80225-0287 or 303-987-6911.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Dated: July 23, 1997.

**Robert K. Yearout,**

*Concession Program Manager.*

[FR Doc. 97-21133 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Public Notice

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

**ACTION:** Public Notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing ferry services for the public at Fire Island National Seashore for a period of ten (10) years from date of contract execution.

**EFFECTIVE DATE:** October 10, 1997.

**ADDRESSES:** Interested parties should contact National Park Service, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772 to obtain a copy of the prospectus describing the requirements of the proposed contract.

**SUPPLEMENTARY INFORMATION:** This contract has been determined to be

categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1996, and therefore pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. § 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Senior Concessions Program Manager, Concession Management Division, not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: July 10, 1997.

**Chrysandra L. Walter,**

*Acting Field Director, Northeast Field Area.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Public Notice

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

**ACTION:** Public Notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing marina facilities and services for the public at Staten Island

Unit, Gateway National Recreation Area, New York, for a period of ten (10) years.

**EFFECTIVE DATE:** October 10, 1997.

**ADDRESSES:** Interested parties should contact National Park Service, Senior Concession Program Manager, Concession Management Program, New England System Support Office, 15 State Street, Boston, MA 02109-3572, to obtain a copy of the prospectus describing the requirements of the proposed contract.

**SUPPLEMENTARY INFORMATION:** This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time, and therefore pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. § 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Senior Concession Program Manager, Concession Management Program, not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: July 28, 1997.

**Chrysandra L. Walter,**  
Acting Field Director, Northeast Field Area.  
[FR Doc. 97-21128 Filed 8-8-97; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Response to Public Comments on NPS-48

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

**ACTION:** Response to public comments on NPS-48.

**SUMMARY:** On February 20, 1997, the National Park Service (NPS) published for additional public comment its staff manual (NPS-48) dealing with the administration of concession contracts and permits. On March 27, 1997, NPS extended the due date for receipt of comments through April 8, 1997. On May 29, 1997, NPS requested public comment on certain proposed amendments and clarifications to NPS-48. This notice responds to the comments received in response to these notices and, after due consideration of public comment, makes certain amendments and clarifications to NPS-48.

**EFFECTIVE DATE:** September 10, 1997, except as otherwise noted.

**FOR FURTHER INFORMATION CONTACT:** Robert Yearout, Program Manager, Concessions Program, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

**SUPPLEMENTARY INFORMATION:** NPS-48 was developed by NPS during the 1980's as an agency staff manual for the management of NPS concession contract matters. As such, notice of it generally was not initially published in the **Federal Register**. (Certain portions of NPS-48 as a matter of policy were adopted by NPS after a notice and comment period.) Inasmuch as NPS is considering making major changes to NPS-48 and its legal status has been a subject of two recent federal court decisions, NPS determined to solicit and consider additional public comments on it. However, NPS notes that NPS-48 is an agency staff manual and as such is not required to be published in the **Federal Register** pursuant to 5 U.S.C. § 552 nor promulgated as a rule after public notice and comment pursuant to 5 U.S.C. § 553. In addition, NPS notes that the rulemaking requirements of 5 U.S.C. § 553, even if otherwise applicable to an agency staff manual such as NPS-48, are expressly not applicable to matters relating to agency management or personnel or to public property, loans, grants, benefits or contracts. NPS-48, as a matter concerning the administration of public property and contracts, falls within this exemption to the extent it

may be considered a rule or regulation within the meaning of 5 U.S.C. § 553.

NPS received nine comments on NPS-48 in response to the February 20, 1997, request for comments and two comments in response to the May 29, 1997, request for comments. With respect to the first category, seven of the nine comments were submitted by existing NPS concessioners, one was submitted by an organization representing NPS concessioners, and one was submitted by a certified public accounting firm on behalf of a concessioner. No comments from the general public were received. With respect to the second category, comments were received only from the organization representing concessioners and an attorney representing a concessioner.

Several of the comments received from these notices concerned matters which were not within the scope of the requests for comments. These comments are not discussed in this notice.

#### Analysis of Comments in Response to the February 20, 1997, Public Notice

##### 1. Conformance With Revised Regulations

One commenter pointed out that the concession contracting regulations (36 CFR, Part 51) included in NPS-48 are not the most recent version of these regulations, which were amended effective October 5, 1992. NPS agrees that the copy of the regulations contained in NPS-48 is outdated, and hereby deletes the old regulations and incorporates the revised regulations in NPS-48. NPS further notes that in the event of any conflict between these revised regulations and any guidance contained in NPS-48, the revised regulations will prevail.

##### 2. Private Enterprise Outside of Park Policy

One commenter expressed concern that NPS and others could interpret too narrowly its policy of not developing concession facilities within the park if adequate facilities exist "or can feasibly be developed by private enterprise" outside park boundaries. NPS considers that NPS-48 provides adequate guidance in this regard.

##### 3. Concessioner Participation in Planning

One commenter felt that concessioner input into NPS planning efforts should be expanded. Present procedures limit concessioner input to "assistance in basic data collection and review as a member of the public." This commenter suggests that concessioners should be