§ 498.74 [Amended]

9. In § 498.74, the following changes are made:

a. In paragraph (b)(1), ''within the stated time period'' is revised to read ''within the time period specified in § 498.82''.

b. In paragraphs (b)(1), (b)(2), and (b)(3), ''Appeals Council'' is revised to read ''Departmental Appeals Board'' in paragraphs (b)(1) and (b)(4), ''Council'' revised to read ''Board'',

c. In paragraph (b)(2), ''in a Federal district court;'' is revised to read ''in a United States District Court or, in the case of a civil money penalty, in a United States Court of Appeals;''.

10. Section 498.90 is revised to read as follows:

§ 498.90 Effect of Departmental Appeals Board Decision

(a) *General rule*. The Board's decision is binding unless—

(1) The affected party has a right to judicial review and timely files a civil action in a United States District Court or, in the case of a civil money penalty, in a United States Court of Appeals; or

(2) The Board reopens and revises its decision in accordance with § 498.102.

(b) *Right to judicial review*. Section 498.5 specifies the circumstances under which an affected party has a right to seek judicial review.

(c) *Special rules: Civil money penalty*.

(1) *Finality of Board's decision*. When HCFA imposes a civil money penalty, notice of the Board's decision (or denial of review) is the final administrative action that initiates the 60-day period for seeking judicial review.

(2) *Timing for collection of civil money penalty*. For SNFs and NFs, the rules that apply are those set forth in subpart F of part 488 of this chapter.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance; Program No. 93.773, Medicare—Hospital Insurance; Program No. 93.774, Medicare—Supplementary Medical Insurance)

Dated: May 16, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96–13521 Filed 6–21–96; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2920

[WO–350–1430–00–24 1A; Circular No. 2661]

RIN 1004–AB51

Leases, Permits, and Easements; Effective Dates of Permit Decisions; Appeal Procedure

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the general lease and permit regulations of the Bureau of Land Management (BLM). It provides that BLM general use, occupancy, and development permit decisions will take effect immediately if the contemplated uses meet the requirements for minimum impact permits under the existing regulations. Permits issued under such decisions will remain in effect during the pendency of any appeal to the Interior Board of Land Appeals (IBLA), unless IBLA stays the decision. The regulatory text in the rule pertains only to minimum impact permits. If a proposed use does not satisfy the requirements for a minimum impact permit under the existing regulations (that is, if the proposed use would conflict with BLM plans, policies, and programs for the affected lands, or local zoning ordinances, or cause appreciable damage to public lands or resources or improvements), the requested permit would not qualify as a minimum impact permit and the provision adopted today would not apply. In such a case, BLM would not issue a permit until the applicant meets all the requirements contained in the existing regulations. Appeals of permits other than minimum impact permits are not affected by this final rule. Similarly, appeals of BLM lease decisions are not affected by this rule. These appeals of BLM decisions to issue leases and non-minimum impact permits will continue to be governed by the general appeal procedures of the Department of the Interior, and the use authorizations appealed will not take immediate effect under this rule. The amendments to the appeals process in this final rule are needed to avoid delays in BLM's issuance of permits for environmentally benign public land uses.

EFFECTIVE DATE: July 24, 1996.

ADDRESSES: You may send inquiries or suggestions to: Director (350), Bureau of Land Management, 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Vanessa Engle, as to the permit program, (202) 452–7776, or Jeff Holdren, as to the rule or the permit program, (202) 452–7779.

SUPPLEMENTARY INFORMATION:

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

I. Background

A. Summary of the Bureau of Land Management Permit Program

The existing regulations in 43 CFR part 2920 contain procedures for many types of land users to obtain authorizations in the form of permits, leases, and easements to use, occupy, and develop public lands and their resources. BLM's statutory authority to allow these uses is found in Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) (FLPMA). BLM's general authority for issuing regulations is found in Section 310 of FLPMA (43 U.S.C. 1740). This final rule relates only to permits issued for uses causing minimal environmental impacts on lands and resources, and does not pertain to leases, easements, or other permits.

BLM authorizes only those uses that conform to applicable law, and to BLM plans, policies, objectives, and resource management programs. Permits are normally issued for short-term uses that do not exceed 3 years. (Uses with terms shorter than 3 years but involving heavier impacts may require leases.) Permits are required for activities that disrupt normal visitor activity or other authorized uses, or involve the placement, storage, or use of temporary structures or facilities, or materials or equipment. BLM may terminate a permit immediately for noncompliance, or to allow another disposition or use of the lands. Typical uses requiring permits under these regulations are equipment storage, beekeeping, motion picture and advertising photography, and scientific research. The regulations in part 2920 do not cover specific activities governed by other regulations in this title, such as grazing (43 CFR part 4100), mining (parts 3700 and 3800), mineral leasing (parts 3100, 3200, 3400, and 3500), mineral material sales (part 3600), and timber sales (part 5400). Also, certain activities require no authorization, such as still photography not intended for advertising purposes. There is no need to apply for a permit or lease for such activities.

Section 2920.2–2 authorizes the issuance of permits for activities that cause no appreciable impacts on the public lands, their resources or

improvements. If a proposed use qualifies for a minimum impact permit under section 2920.2–2, BLM is not required to publish a notice of realty action under section 2920.4.

B. Proposed Rules

The final rule published today is a stage of a rulemaking process that will culminate in the comprehensive revision of the lease and permit regulations in 43 CFR part 2920. The rule published today addresses only the effective date of minimum impact land use permits. This rule was preceded by publication of two proposed rules, the first proposing to revise the entire part 2920, and the second proposing to amend the part by adding new provisions or changing previously proposed provisions.

The first proposed rule was published in the Federal Register on November 21, 1990 (55 FR 48810). This proposed rule was intended to streamline the land use approval process by removing a category of authorizations (easements) and cumbersome administrative procedures. The BLM invited public comments for 60 days, and received comments from 16 sources: 10 from offices of Federal agencies, 2 from business entities, 1 from an association, and 3 from State government agencies.

After the public comment period closed, a controversy arose concerning issuance of filming permits. Some parties expressed concerns about potential environmental degradation related to commercial activities, particularly permits for feature films. Other parties, primarily filmmakers and those who provide services to them, including State and local government agencies, objected to provisions that allow delay when parties file administrative appeals of film permits.

The BLM published a further proposed rule in the Federal Register on February 9, 1995 (60 FR 7878), which was intended to allow more expeditious processing and issuance of permits. It also would have provided for immediate implementation of certain types of permits. The further proposed rule designated two categories of permits: ''minimum impact permits'' and ''full permits.'' ''Minimum impact permits'' were to be issued for activities having a minimal impact on the public lands and their resources. These permits were to become effective immediately upon execution by the BLM authorized officer and were not to be subject to the general stay process in 43 CFR 4.21(a). ''Full permit'' decisions (and also lease issuance decisions) would have remained subject to the 43 CFR 4.21 stay provisions. The further proposed rule contained a set of criteria for determining when a full permit would be required.

The BLM sought public response in the further proposed rule to specific questions relating to permits and rental schedules. Only the first question related to appeals, and is discussed below. The remaining questions will be discussed when the final rule revising part 2920 is published. The first question read as follows:

1. Under the existing regulations, all permits and leases are subject to a 30-day appeal period before they become effective. The 1990 proposed rule would make all leases and permits effective immediately upon issuance by the BLM authorized officer. Under the 1995 further proposed rule, only minimum impact permits would be effective immediately; leases and other permits would remain subject to the 30-day waiting period prescribed in 43 CFR part 4. Which approach do you think is appropriate?

The overwhelming public response to this question urged that all permits and leases be effective immediately. This final rule adopts this recommendation only as to the minimum impact permits provided for in section 2920.2–2 of the regulations in the 1995 and earlier editions of 43 CFR. General land use leases, and permits with more than minimal effects, will remain subject to 43 CFR 4.21.

In the further proposed rule, BLM also invited public comment on several other provisions that were not in the original proposed rule. The further proposed rule would have added rental and fee schedules for commercial filming and photography, and would have addressed hazardous materials, outdoor advertising, criminal penalties, and conforming applications to land use planning. The BLM will resolve these issues in its forthcoming final rule revising part 2920.

The BLM received approximately 800 comments on the further proposed rule from the filming and photography industries, State and local government agencies, individuals and environmental organizations. The great majority of the public comments opposed the further proposed rule as overly complex, specific, and burdensome.

II. Final Rule and Response to Comments

New section 2920.0–9

This section explains the information collection requirements contained in part 2920, and is added in the final rule to comply with the publication requirements of the Code of Federal Regulations. The material in this section appeared in the 1995 and earlier editions of 43 CFR as a ''Note'' at the beginning of Group 2900, and in the preamble to the original proposed rule published on November 21, 1990. This material must appear in the regulation text.

Amended section 2920.2–2 Minimum impact permits.

New paragraph 2920.2–2(b) is added to cover appeals of minimum impact permit decisions. Appeals were provided for in subpart 2924 in the 1990 proposed rule. In the further proposed rule, part 2920 was reorganized so that section 2921.8 pertained to appeals. Designation of the appeals section in the rule adopted today is dictated by the organization of part 2920 as presently constituted. Existing section 2920.2 is an umbrella heading addressing public-initiated land use proposals. Existing section 2920.2–2 allows the issuance of minimum impact permits in appropriate circumstances. New paragraph 2920.2–2(b) covers appeals of decisions on these permits and makes it clear that its provisions pertain only to minimum impact permits issued under section 2920.2–2. This final rule does not affect appeals of penalties for unauthorized use and appeals of determinations that land use proposals do not conform to approved land use plans. New paragraph 2920.2–2(b) may be renumbered and amended when a comprehensive final rule revising part 2920 is published.

The final rule published today provides that all BLM permit decisions made under section 2920.2–2 will be effective immediately and remain in effect during the time allowed for filing an administrative appeal to the IBLA. Section 2920.2–2 applies only to land uses that have minimum impacts on the public lands and resources. To meet this standard, the use must be in conformance with BLM resource management plans or other plans for the particular lands affected, and with BLM policies and programs. The use must also conform with local zoning ordinances and all other legal requirements, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The permitted use must not cause appreciable damage or disturbance to public lands, their resources or improvements. The BLM will not grant a permit under section 2920.2–2 if the permit proposal fails to meet any one of these requirements.

Lease applications, and permit proposals that do not meet the minimum impact standards stated in section 2920.2–2, are not effective immediately upon issuance. For example, if BLM finds that the proposed

use does not conform to resource management plans, or local zoning, BLM does not authorize the use until the procedures contained in the remainder of part 2920 have been followed and until the applicant meets its requirements.

Based on its recent experience in administering the film permit program, the BLM expects that the great majority of permits issued under part 2920 will meet the standards set forth in section 2920.2–2, and that problems arising during the consideration of these permits will be resolved by consultation among BLM, the applicant, and other interested persons. In some instances, a person may wish to appeal and seek a stay of BLM's decision to issue a permit under section 2920.2–2 until the appeal is resolved. When the appeal is filed, the procedures in 43 CFR 4.21(b) will be applicable. However, the permit issued will remain in effect until IBLA grants a stay.

Most respondents addressing the date a permit would become effective in the further proposed rule wanted all permits to be made effective immediately and to remain in effect while an administrative appeal is pending. Respondents emphasized the need to rely on the discretion of local BLM managers to gather data and make an informed decision, while complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), and other environmental laws. As stated earlier, BLM anticipates that, under the final rule, most permits will meet the requirements for minimum impact permits in section 2920.2–2(a), and will be issued in full force and effect under section 2920.2–2(b).

One respondent suggested that the rule should provide appellants the option of petitioning the State Director for a stay, before appealing to IBLA, to allow a more expeditious remedy. The BLM has not adopted this suggestion in the final rule because it would create an unnecessarily cumbersome and burdensome bureaucratic step in the permit appeal process.

Finally, an editorial amendment is made in section 2920.2–2 as it appeared in the 1995 and earlier editions of 43 CFR. This section is redesignated as paragraph (a) in the rule published today. Because ''permit'' is defined as an authorization in section 2920.0–5, the word ''authorization'' in the phrase ''permit for a land use authorization'' is redundant and has been removed in this final rule.

III. Procedural Matters

The principal author of this final rule is Jeff Holdren of the Use Authorization Team, BLM, Washington, DC.

The BLM has determined in an environmental analysis that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The rule merely simplifies and streamlines the permit process for uses found to have minimum environmental impact. Under this rule, all applications for permits or leases remain subject to environmental analysis, and if an environmental impact statement is necessary, minimum impact permits will not be issued.

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

The rule will have little effect on costs or prices for consumers, nor will there be a need for increasing Federal, State, or local agency budget or personnel requirements. By promulgating regulations that merely streamline the permit issuance process, the rule will result in little or no change in revenue for the United States, although improved efficiency should reduce administrative costs. Any revenue changes realized would not have a measurable impact on the economy and would not approach $100 million annually. The rule will have no other expected economic effects and contain no increased costs to the United States or users of the public lands.

For the same reasons, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the rule will not have a significant economic impact on a substantial number of small entities. The rule favors no demographic group, and imposes no direct or indirect costs on small entities. It merely expedites the process of issuing permits.

Because the rule will result in no taking of private property and no impairment of property rights, the Department certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights, as required by Executive Order 12630.

BLM has determined that this rule is not significant under the Unfunded Mandates Reform Act of 1995, because it will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, as stated above.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*.

List of Subjects in 43 CFR Part 2920

Public lands, Reporting and recordkeeping requirements.

Dated: June 5, 1996.

Sylvia V. Baca,

Acting Assistant Secretary of the Interior.

Under the authority of Sections 102, 302, 303, 304, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1732, 1733, 1734 and 1740) part 2920, Group 2900, Subchapter B, Chapter II of the Code of Federal Regulations, is amended as follows:

PART 2920—LEASES, PERMITS AND EASEMENTS

1. The Note at the beginning of Group 2900 is removed.

2. The authority citation for part 2920 is revised to read as follows:

Authority: 43 U.S.C. 1740.

3. Section 2920.0–9 is added to read as follows:

§ 2920.0–9 Information collection.

(a) The information collection requirements contained in Part 2920 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1004–0009. The BLM will use the information in considering land use proposals and applications. You must respond to obtain a benefit under Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732).

(b) Public reporting burden for this information is estimated to average 7.43 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Land Management (DW–101), Building 50, Denver Federal Center, P.O. Box 25047, Denver, Colorado 80225, and to the Office of Management and Budget, Paperwork Reduction Project, 1004–0009, Washington, D.C. 20503.

4. Section 2920.2–2 is amended by redesignating the existing text as

paragraph (a), by removing the word ''authorization'' from paragraph (a), and by adding paragraph (b) to read as follows:

§ 2920.2–2 Minimum impact permits.

* * * * *

(b) Permit decisions made under paragraph (a) of this section take effect immediately upon execution, and remain in effect during the period of time specified in the decision to issue the permit. Any person whose interest is adversely affected by a decision to grant or deny a permit under paragraph (a) of this section may appeal to the Board of Land Appeals under part 4 of this title. However, decisions and permits issued under paragraph (a) of this section will remain in effect until stayed.

[FR Doc. 96–15994 Filed 6–21–96; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 27 and 28

Transportation for Individuals With Disabilities—Correction of Organizational References

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation proposes to amend its rules to reflect a statutory change in the name of the Department's transit agency from the Urban Mass Transportation Administration (UMTA) to the Federal Transit Administration (FTA).

EFFECTIVE DATE: This rule is effective July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. (202) 366–9306 (voice); (202)755–7687(TDD).

SUPPLEMENTARY INFORMATION: In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all their regulations and to ''eliminate or revise those that are outdated or otherwise in need of reform.'' In response to that directive, the Department has undertaken a review of its regulations as contained in 49 CFR Parts 27 and 28. This rule is a result of those efforts. Pursuant to the name change mandated by Title III—Federal Transit Act Amendments of 1991, of the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102–240), the words ''Urban Mass Transportation Administration'' are changed to the words ''Federal Transit Administration'' in every instance in which those words appear; and the letters ''UMTA'' are changed to the letters ''FTA'' in every instance in which those letters appear.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). Because this rule is editorial in nature, it involves no costs and no economic evaluation has been prepared.

In accordance with the Regulatory Flexibility Act, the Department has evaluated the effects of this action on small entities. Based upon this evaluation, the Department certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism)

These amendments have been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The Department has determined that the amendments do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The amendments will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

National Environmental Policy Act

The Department has also analyzed the amendments for the purpose of the National Environmental Policy Act. The amendments will not have any significant impact on the quality of the human environment.

Paperwork Reduction Act

There are no reporting or recordkeeping requirements associated with the amendments.

Notice and Opportunity for Public Comment Unnecessary

Under the Administrative Procedure Act (5 U.S.C. section 553), the Department determines that notice and an opportunity for public comment are unnecessary and contrary to the public interest. The amendments made in this document are ministerial and will have no substantive impact.

List of Subjects

49 CFR Part 27

Administrative practice and procedure, Airports, Civil rights, Highways and roads, Individuals with disabilities, Mass transit, Railroads, Reports and recordkeeping requirements.

49 CFR Part 28

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities, Mass transit, Railroads, Reports and recordkeeping requirements.

PART 27—[AMENDED]

1. The authority citation for Part 27 is revised to read as follows:

Authority: Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); secs. 16(a) and 16(d) of the Federal Transit Laws (49 U.S.C. Chapter 5301 *et seq.*); sec. 165(b) of the Federal-aid Highway Act of 1973 (49 U.S.C. 142nt.); the Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213; and 49 U.S.C. 322).

§ 27.5 Definitions [Amended]

2. In the definition of ''Head of Operating Administration'' in § 27.5, remove the words ''Urban Mass Transportation Administration,'' and in their place, add the words ''Federal Transit Administration''.

§ 27.19 Compliance with Americans with Disabilities Act requirements and FTA policy—[Amended]

3. The heading of § 27.19 is revised to read as set forth above.

4. In § 27.19(b), remove the word ''UMTA,'' and add, in its place, the word ''FTA''; remove the words ''Urban Mass Transportation Administration,'' and add, in their place, the words ''Federal Transit Administration.''

PART 28—[AMENDED]

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

Authority: 29 U.S.C. 794.

§ 28.103 Definitions [Amended]

6. In § 28.103, paragraph (g) of the difinition of ''Departmental Element'', remove the words ''Urban Mass Transportation Administration (UMTA),'' and in their place, add the words ''Federal Transit Administration (FTA).''