

purposes) would be 1 percent of the total egg production.

The Agency has determined that since breeder hens contribute such a small portion (1 percent or less) to the total chicken meat and eggs available for human consumption, that this amendment to 21 CFR 561.99 would not significantly change the incremental risk resulting from potential exposure to cyromazine. Therefore, for the same reasons as stated in the final rule published in the Federal Register on May 15, 1985 (50 FR 20370, 20371, and 20373), the Agency is amending the feed additive regulation to include chicken breeder hens.

Elsewhere in this issue of the Federal Register, the Agency is issuing a final rule amending the established tolerances for residues of cyromazine in or on eggs and poultry meat, fat, and meat byproducts to include breeder chickens as well as chicken layer hens.

It should be noted that broiler chickens and other types of poultry are not covered by the amendment to the feed additive regulation, nor are they covered by the amendment to the established tolerances.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objection. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601 through 612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 21 CFR Part 561

Pesticides and pests, Animal feeds.

Dated: July 15, 1987.
Douglas D. Camp, Jr.
Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, it is proposed that 21 CFR Part 561 be amended as follows:

1. The authority citation for Part 561 continues to read as follows:

Authority: 21 U.S.C. 348.

2. By revising § 561.99 to read as follows:

§ 561.99 Cyromazine.

The additive cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) may be safely used in accordance with the following prescribed conditions:

(a) It is used as a feed additive only in the feed for chicken layer hens and chicken breeder hens at the rate of not more than 0.01 pound of cyromazine per ton of poultry feed.

(b) It is used for control of flies in manure of treated chicken layer hens and chicken breeder hens.

(c) Feeding of cyromazine-treated feed must stop at least 3 days (72 hours) before slaughter. If the feed is formulated by any person other than the end user, the formulator must inform the end user, in writing, of the 3-day (72 hours) preslaughter interval.

(d) To ensure safe use of the additive, the labeling of the pesticide formulation containing the feed additive shall conform to the labeling which is registered by the U.S. Environmental Protection Agency, and the additive shall be used in accordance with this registered labeling.

(e) Residues of cyromazine are not to exceed 5.0 parts per million (ppm) in poultry feed.

[FR Doc. 87-16676 Filed 7-21-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 216 and 218

Assessments for Incorrect or Late Reports and Failure To Report

June 4, 1987.

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its regulations to provide more flexibility in establishing the amount of assessments against lessees, operators, and other reporters who report incorrectly, late, or

fail to report. This modification applies to reports required by the MMS Auditing and Financial System (AFS) and the Production Accounting and Auditing System (PAAS).

DATES: These regulations will be effective on August 21, 1987.

ADDRESSES: Written inquiries regarding this final rulemaking should be mailed or delivered to Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS 628, Building 85, Denver Federal Center, Denver, Colorado 80225.

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

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 30 CFR Part 210, lessees and other royalty payors on Federal and Indian oil and gas leases are required to submit certain forms and reports to the MMS. Pursuant to 30 CFR 210.52, a completed Report of Sales and Royalty Remittance (Form MMS-2014) must accompany all payments for royalties to MMS. Similarly, for solid minerals leases, pursuant to 30 CFR 210.202, a Report of Sales and Royalty Remittance—Solid Minerals (Form MMS-4014) must accompany royalty payments. These reports are part of MMS's automated royalty accounting system, the AFS. Other reports are also required by Part 210.

The MMS also has regulations at 30 CFR Part 216 which require the filing of certain reports for MMS's automated production accounting system, the PAAS. These reports include: Oil and Gas Operations Report (Form MMS-4054); Gas Analysis Report (Form MMS-4055); Gas Plant Operations Report (Form MMS-4056); Fractionation Plant Operations Report (Form MMS-4057); Production Allocation Schedule Report (Form MMS-4058); Solid Minerals Operations Report (Form MMS-4059); and Solid Minerals Facility Report (Form MMS-4060). Other reports are also required by Part 216.

Regulations in Parts 210 and 216 specify when the reports are due. When reports are not accurately filed, MMS incurs substantial costs associated with correcting the reports so that the automated systems can operate properly to account for and distribute royalties, and to account for production. Late reports or failure to report (nonrespondent reports) can result in royalties and related information not being timely distributed to States and Indian tribes and allottees. To recover

the cost related to incorrect reporting. MMS regulations provide for assessments, in the nature of liquidated damages for late and erroneous reporting. For AFS reports, 30 CFR 218.40 (formerly 30 CFR 218.56) provides for an assessment of \$10 for each line of the aforementioned reports which is not filed timely or which contains errors. For PAAS reports, an identical assessment is authorized by 30 CFR 216.40.

II. Regulatory Change

The assessment regulations in 30 CFR 216.40 and 218.40 reserve the MMS the discretion whether or not to assess a payor or operator. However, the existing regulations do not give MMS any flexibility in determining the amount of assessment per line—it must be \$10. After experience in making such assessments, MMS has determined that it needs the ability to vary the amount of the assessments.

Therefore, MMS is amending the regulations that relate to AFS reporting in 30 CFR 218.40 and the regulations that relate to PAAS reporting in 30 CFR 216.40 to provide that the assessment will be an amount "not to exceed \$10" for each report as defined in the respective regulations (no change to the definition of report is being made). In many instances, the assessment will remain at \$10 per report. However, MMS will have the flexibility, in appropriate circumstances, to reduce the per-report assessment.

The MMS also is removing from 30 CFR 216.40(b) and 218.40(b) the provisions which authorized an assessment "per day" for erroneous reports. The MMS does not believe that erroneous reporting should be subject to more than a one-time assessment. Late reports, on the other hand, may still be subject to per-day assessments.

The amount of the assessment for each error will be established periodically by MMS based on its experience with costs and improper reporting. MMS will publish a Notice in the Federal Register establishing the assessment amount. Thus, if, for example, in the preceding 12-month reporting period the total assessments for nonrespondent reporting to the AFS significantly exceed the costs of correcting the errors, MMS will be able to revise the per-line assessment in §§ 216.40(a) and 218.40(a) to bring the costs and the liquidated damages into parity.

III. Procedural Matters

Administrative Procedure Act

The Department of the Interior (DOI) has determined that, pursuant to 5 U.S.C. 553(b), notice and opportunity for public comment before adopting this rule is impractical, unnecessary, and contrary to the public interest. Current assessments, in some instances, are out of line with costs and with the nature of the error. This burden industry must be relieved as soon as possible. The potential reduction in assessments will not affect States and Indian tribes because, unlike civil penalties, the assessments are not shared by the Federal Government, but are meant to compensate the Federal Government for its costs and burdens associated with nonrespondent and erroneous reporting.

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. 3501 *et seq.*

National Environmental Policy Act of 1969

The DOI 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. 4223(2)(C)).

List of Subjects

30 CFR Part 216

Mineral production, Mineral royalties, Reporting and recordkeeping requirements, Oil and gas, Solid minerals.

30 CFR Part 218

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

Dated June 17, 1987.

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

For the reasons set out in the preamble, 30 CFR Parts 216 and 218 are amended as follows:

PART 216—[AMENDED]

1. The authority citation for Part 216 is revised to read as follows:

Authority: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *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 216.40 is amended by revising paragraphs (a) and (b) adding a new paragraph (g) to read as follows:

§ 216.40 Assessments for incorrect or late reports and failure to report.

(a) An assessment of an amount not to exceed \$10 per day may be charged for each report not received by MMS by the designated due date.

(b) An assessment of an amount not to exceed \$10 may be charged for each report received by the designated due date but which is incorrectly completed.

(g) The amount of the assessment to be imposed pursuant to paragraphs (a) and (b) of this section shall be established periodically by MMS. The assessment amount for each violation will be based on MMS's experience with costs and improper reporting. The MMS will publish a Notice of the assessment amount to be applied in the Federal Register.

PART 218—[AMENDED]

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

Authority: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *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 218.40 is amended by revising paragraphs (a) and (b) and adding a new paragraph (g) to read as follows:

§ 218.40 Assessments for incorrect or late reports and failure to report.

(a) An assessment of an amount not to exceed \$10 per day may be charged for each report not received by MMS by the designated due date.

(b) An assessment of an amount not to exceed \$10 may be charged for each

report received by the designated due date but which is incorrectly completed.

(g) The amount of the assessment to be imposed pursuant to paragraphs (a) and (b) of this section shall be established periodically by MMS. The assessment amount for each violation will be based on MMS's experience with costs and improper reporting. The MMS will publish a Notice of the assessment amount to be applied in the Federal Register.

[FR Doc. 87-16053 Filed 7-21-87; 8:45 am]
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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Administration; Appeal of Decisions of Forest Officers

AGENCY: Forest Service, USDA.

ACTION: Interim rule; request for public comment.

SUMMARY: A number of National Forest recreation residence permits will terminate with nonrenewal provisions as of December 31, 1987, and 1988. The decisions to terminate the permits were made 10 or more years ago, and most of those decisions were appealed at that time. The Forest Service has agreed to review those decisions to determine if they are still valid. This interim rule facilitates conducting these reviews by excluding the outcome of the reviews from the Agency's administrative appeal process. This action is necessary to prevent duplicative appeals that could seriously encumber the Agency's ability to manage National Forest resources, consequently delaying needed land management for years while appeals were being processed and decided.

DATES: This rule is effective July 22, 1987. Comments must be received by September 21, 1987.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (2720-L), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

The public may inspect comments received on this interim rule in the office of the Director, Lands Staff, Room 1011-B, Rosslyn Plaza-East Building, 1621 North Kent Street, Rosslyn, Virginia, between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Ruben M. Williams, Lands Specialist, Lands Staff, (703) 235-8107.

SUPPLEMENTARY INFORMATION:

Background

In the National Forest System there are approximately 310 recreation residence permits that are scheduled for termination of the residence use in order that another use of higher priority can be made of the lands. Approximately 50 of these permits will terminate in 1987 and 1988. The decisions to terminate these permits were made from 10 to 25 years ago. At that time, practically all of the affected holders appealed the termination decision. The Forest Service allowed the holders to keep their residences for a time period of 10 to 20 years before the permits actually would terminate.

Permittee organizations now are urging the Forest Service to review these termination decisions to determine whether or not circumstances have changed in the ensuing years and if the reasons for termination are still valid.

In response, the Forest Service has decided to institute a policy of reviewing the termination of recreation residence permits 2 to 3 years prior to the scheduled termination date upon petition by the affected permittee(s).

In order to conduct these reviews without encumbering or delaying land management decisions, it is necessary to amend the Agency's administrative appeal procedures at 36 CFR 211.18 to exclude these reconsiderations from appeal. Without this amendment, the Agency would subject itself to an unreasonable risk of new, but redundant, appeals. This exclusion does not deny permittees any rights of appeal, since they already had the right to appeal the original decision and most permittees availed themselves of that opportunity.

Upon publication of this rule, the Forest Service will issue interim direction to Forest Supervisors to notify those permittees whose permits will terminate by December 31, 1988, of their opportunity to petition for a review of the termination decision. The text of the direction as it will be issued in the Forest Service directive system in Forest Service Manual Chapter 2340 appears at the conclusion of this rule. The Agency will accept comments on the interim directive as well as the interim rule, and all comments will be considered in the development of a final rule and final policy, which will be published in the Federal Register.

Regulatory Impact

This interim rule has been reviewed under USDA procedures and Executive Order 12291, and it has been determined that this regulation is not a major rule.

The regulation will have little or no effect on the economy. Moreover, because some of the permits expire in December 1987 and it takes time to give notice to permittees and to review these decisions, time does not allow advance review by the Office of Management and Budget. In accordance with the procedure of E.O. 12291, notice of the interim rule is being given to the Director of OMB and any comments received from OMB will be considered in preparation of the final rule.

The Assistant Secretary of Agriculture for Natural Resources and the Environment has determined that this rule does not have a significant economic impact on a substantial number of small entities because of its limited scope and application, and therefore is not subject to review under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule contains no information collection requirements as defined by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or implementing OMB regulation at 5 CFR Part 1320.

List of Subjects in 36 CFR Part 211

Administrative practice and procedure; National forests.

Therefore, for the reasons set forth in the preamble, Part 211 of Title 36 of the Code of Federal Regulations is amended as follows:

PART 211—[AMENDED]

1. The authority citation for Part 211 continues to read:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

2. Revise § 211.18 by adding a new paragraph (b)(12) to read as follows:

§ 211.18 Appeal of decisions of forest officers.

• • • • •
(b) • • •
(12) Decisions resulting from review of previous decisions to terminate a recreation residence permit.
• • • • •

Douglas W. MacCleery,
Deputy Assistant Secretary for Natural Resources and Environment.
July 14, 1987.

FOREST SERVICE MANUAL
Washington, D.C.

Interim Directive No.

Duration: One year.
Chapter: 2340—Privately Provided Recreation Opportunities
Posting Notice: Last ID was No.