information collection requirements are described.

EFFECTIVE DATE: The effective date for the final rule published November 7, 1989 (54 FR 46828), is December 22, 1989.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory section listed below were approved by the Office of Management and Budget, under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers listed.

List of Subjects in 24 CFR Parts 812 and 882

Reporting and recordkeeping requirements.

Dated: December 15, 1989.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 89-29722 Filed 12-21-89; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 290

RIN 1010-AB39

Appeals Procedures

AGENCY: Minerals Management Service, Interior

ACTION: Final rule.

SUMMARY: This final rule establishes the policy of the Minerals Management Service (MMS) relative to the timely filing of appeals under 30 CFR part 290. The final rule requires the filing of an appeal within 30 days after receipt of the order or decision being appealed, but allows for a grace period if the appeal is received within the following 10 days and there is evidence that the notice of appeal was sent prior to the end of the initial 30 days. While it could be argued that the current system has merit, MMS now believes that it is in the public interest to provide a more accommodating system for the timely filing of appeals.

DATES: This final rule is effective January 22, 1990.

FOR FURTHER INFORMATION CONTACT: Jane Roberts, Division of Appeals (MS623), Minerals Management Service, 381 Elden Street, Herndon, Virginia 22070-4817. Telephone: (703) 787-1275 or (FTS) 393-1275.

SUPPLEMENTARY INFORMATION: The regulations at 30 CFR part 290 pertain to the procedures of MMS for the filing of appeals to the Director (or to Assistant Secretary—Indian Affairs when Indian lands are involved). Under the existing rule, the notice of appeal must be filed in the office of the official issuing the order or decision within 30 days from service of the order or decision. The 30-day period is counted from the date on the U.S. Postal Service's return receipt card, which indicates receipt of the order or decision by the Appellant. The MMS has been strict in its evaluation of timeliness, a policy that has been consistently upheld by the Interior Board of Land Appeals (IBLA). If more than 30 days has elapsed between the date on the return receipt card and the date of the receipt by MMS stamped on the notice of appeal, then the appeal was dismissed as untimely.

While it could be argued that the current system has merit, MMS now believes that it is in the public interest to provide a more accommodating system for the timely filing of appeals.

The majority of all appeals concern the collection of royalties due to the Government. The MMS's Royalty Management Program (RMP), is responsible for royalty collection. The appeals process is a forum for the correction of error and clarification of policy in royalty collection. Such issues cannot be brought forward unless appeals are addressed on their merits. A short grace period allows more appeals to be considered on their merits, thereby enhancing the quality of the royalty collection activities without creating an administrative obstacle. On average, 500 appeals are filed in a year. Of those, approximately 9 percent, or 45 appeals are dismissed as untimely under the current rule. A review of past appeals indicates that 75 percent or 34 appeals, would have been timely had this final rule been in effect.

This rule establishes a grace period if an appeal is filed within 10 days of the initial due date and there is evidence that the appeal was transmitted prior to the end of the initial 30-day period. Such evidence could be a postmark or date of receipt by a private delivery service during the 30-day period.

Allowance of a grace period is not without precedent. Other governmental entities including the Internal Revenue Service and the IBLA use such a system. The IBLA, the forum most closely related to the MMS appeal process, allows a grace period in its regulations at 43 CFR 4.401 and 4.411. While the existing MMS system has a long tradition and is clear, unambiguous, and administratively easy, it can lead to the dismissal of a valid appeal due to mail or messenger mischance. Such circumstances should not be determinative of the consideration of the merits of an appeal.

Because this action is a matter of Agency practice and procedure, prior notice and comment are not deemed necessary under the Administrative Procedure Act, 5 U.S.C. 553(b) (1982).

The Department of the Interior (DOI) has determined that this action does not constitute a major Federal action affecting the quality of the human environment, therefore, a detailed statement is not required, under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C) (1982).

The DOI has determined that the document is not a major rule under Executive Order 12291 because the annual economic effect is less than $100 million. Based on an analysis of appeals filed in 1987, the economic effect of providing a grace period is expected to be less than $100 million or an estimated $1,096,500.00.

The DOI also certifies that the rule will not have a significant economic effect on a substantial number of small entities and because the rule provides easier access to the MMS appeals process, it could have an economic benefit on all-sized entities. Therefore, the rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 601-612 (1982).

The DOI certifies that the rule does not represent a Government action capable of interfering with constitutionally protected property rights. Thus, a Takings Implication Assessment has not been prepared pursuant to Executive Order 12630, Government Action In Interference with Constitutionally Protected Property Rights.

There are no information collection requirements contained in 30 CFR part 290 which require approval by the Office

of Management and Budget under 44 U.S.C. 3501-3520 (1982).

List of Subjects in 30 CFR Part 290

Administrative practice and procedure.

Dated: October 26, 1989.

Barry Williamson,

Director, Minerals Management Service.

For the reasons set out in the preamble to this rule, part 290 of title 30 of the Code of Federal Regulations is amended as set forth below.

PART 290—[AMENDED]

1. The authority citation for part 290 is revised to read as follows:

Authority: R.S. 463, 25 U.S.C. 2; R.S. 465, 25 U.S.C. 9; sec. 32, 41 Stat. 450, 30 U.S.C. 189; sec. 5, 44 Stat. 1058, 30 U.S.C. 285; sec. 10, 61 Stat. 915, 30 U.S.C. 359; sec. 5, 6, 67 Stat. 464, 465, 43 U.S.C. 1334, 1335; sec. 24, 84 Stat. 1573, 30 U.S.C. 1023; 30 U.S.C. 1751.

2. Section 290.3 is amended to redesignate paragraph (a) as paragraph (a)(1) and a new paragraph (a)(2) is added to read as follows:

§ 290.3 Appeals to Director.

(a) * * *

(2) No extension of time will be granted for filing the notice of appeal. If the notice is filed after the grace period provided in § 290.5(b) of this title and the delay in filing is not waived, as provided by that section, the notice of appeal will not be considered and the case will be closed.

* * * * *

3. Section 290.5 is revised to redesignate the existing paragraph as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 290.5 Time limitations.

* * * * *

(b) A notice of appeal must be filed within the time provided in § 290.3 of this title. If the notice of appeal is not received in the proper office within that time, the delay in filing will be waived if the notice of appeal is filed not later than 10 days after it was required to be filed and it is determined that the notice of appeal was transmitted to the proper office before the end of the time required for filing in § 290.3(a)(1) of this title. Determinations under this paragraph shall be made by the officer with whom the notice of appeal is required to be filed.

[FR Doc. 89-29791 Filed 12-21-89; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 89-06]

Drawbridge Operation Regulations; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Seattle (City), the Coast Guard is changing the regulations governing operation of the Montlake Bridge across the Lake Washington Ship Canal, mile 5.4, at Seattle, Washington. This change is being made because peak levels of afternoon vehicular traffic have increased. Surveys conducted by the City and the results of a trial regulation indicate that this action will receive vehicular traffic congestion attributable to openings of the Montlake Bridge and still provide for the reasonable needs of navigation. The change extends the weekday afternoon closed period by one half hour (3:30 p.m. to 6 p.m. instead of the present 4 p.m. to 6 p.m.) and allows openings only on the hour and half hour Monday through Friday, from 12:30 p.m. to 3:30 p.m. and from 6:00 p.m. to 6:30 p.m.

EFFECTIVE DATE: These regulations become effective on December 22, 1989.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: On June 8, 1989, the Coast Guard published temporary rules with a request for comments (54 FR 24555) to be effective for 60 days and to be used to evaluate the impacts of the proposed regulation change. Based upon the general acceptance and limited impacts of the temporary rules, the Coast Guard, on October 13, 1989, published proposed rules (54 FR 41991) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published the proposal as a Public Notice dated November 7, 1989. Interested parties were given until December 7, 1989 to submit comments.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Deborah K. Schram, project attorney.

Discussion of Comments

We received a total of ten comments concerning the temporary and proposed change: five from recreational boaters, four from concerned citizens, and one from a federal government agency. The boaters objected to the change, the concerned citizens were generally in favor of the change, and the governmental agency had no objection to the change. The primary concern of the boaters was the danger of waiting for bridge openings while maneuvering within the Montlake Cut. As the trial period progressed, most boaters either planned their trips to arrive at the scheduled opening time, or waited outside the Montlake Cut until it was time for an opening. Citizen comments were supportive of the change, but two wanted additional restrictions on bridge openings. We have carefully considered the comments and believe that the concerns of safety and inconvenience raised by the boaters have been minimized through experience with the new procedure gained during the trial period, and the additional restrictions in bridge openings requested by the citizens are not warranted at this time. Therefore, in the absence of significant objection to the proposal as published (54 FR 41991) on October 13, 1989, the final rule is unchanged from the proposed rule, except for minor editorial changes to enhance clarity.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that with minimal advance planning vessel operators who routinely require bridge openings should experience little or no delay.

Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will