

provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights, since Congress has provided for such determinations in local courts.

Dated: April 18, 1996.

Thomas P. Lonnie,  
Deputy State Director, Division of Resources.  
[FR Doc. 96-10324 Filed 4-25-96; 8:45 am]  
BILLING CODE 4310-DN-P

[NV-943-1430:N-59594]

### Notice of Realty Action: Non-Competitive Sale of Public Lands

**ACTION:** Notice.

**SUMMARY:** The following described public land in Clark County, Nevada, has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Sections 203 and 209 of Public Law 94-579, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719) and Public Law 101-67, the Apex Project, Nevada Land Transfer and Authorization Act of 1989.

Mount Diablo Meridian, Nevada

T. 19 S., R. 63 E.

Sec. 8: S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , those portions lying  
southerly of U.S. Highway 15.

Sec. 9: S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , those portions lying  
westerly of State Highway 604.

The parcels of land, situated in Clark County, NV, are being offered as a non-competitive sale to Clark County as part of the Apex Heavy Industrial Use Park.

The land is not required for any Federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals.  
and will be subject to:

1. A right-of-way thereon to Williams Telecommunications Group-West., Inc., for a fiber-optics line, grant number N-43923 (090 STAT 2776; 43 U.S.C. 1761).

2. A right-of-way thereon to Nevada Department of Transportation for a Federal Aid Highway, grant number CC-018337 (042 STAT 0216).

3. A right-of-way thereon to Nevada Department of Transportation for a Federal Aid Highway, grant number Nev-057852 [072 STAT 0916; 23 U.S.C. 317(A)]. Upon publication of this notice in the Federal Register, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of publication, whichever occurs first. For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Las Vegas District, 4765 West Vegas Drive, Las Vegas, NV 89108. Any adverse comments will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94-579, or other applicable laws. The land will not be offered for sale until at least 60 days after the date of publication of this notice in the Federal Register.

Dated: April 11, 1996.

Michael F. Dwyer,  
District Manager.

[FR Doc. 96-10326 Filed 4-25-96; 8:45 am]

BILLING CODE 1430-HC-P

[NV-930-1430-01; N-59007]

### Partial Cancellation of Proposed Withdrawal; Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice terminates the segregative effect of a proposed withdrawal insofar as it affects 10 acres of public land requested by the Department of the Army, Corps of Engineers for flood control facilities in

Clark County, Nevada. This action will open the 10 acres to surface entry and mining, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law.

**EFFECTIVE DATE:** May 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702-785-6532.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Withdrawal was published in the Federal Register, 59 FR 60998, November 29, 1994, which segregated the lands described therein from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights. The Corps of Engineers has determined that certain lands will not be needed in connection with the flood control facilities and has cancelled its application for those lands. The lands are described as follows:

Mount Diablo Meridian

T. 21 S., R. 60 E.,

Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{2}$  and  
W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The lands described aggregate 10 acres in Clark County.

1. At 9 a.m. on May 28, 1996, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on May 28, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

2. At 9 a.m. on May 28, 1996, the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: April 16, 1996.  
William K. Stowers,  
*Lands Team Lead.*  
[FR Doc. 96-10327 Filed 4-25-96; 8:45 am]  
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## National Park Service

### Revision of Handcraft Exemption Policy

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

**ACTION:** Revision of Policy on the Exemption of Handcraft Sales from Franchise Fee Calculation.

**SUMMARY:** 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. NPS is undertaking a review of its policies concerning concession management activities. Pending completion of a full review, NPS has amended its policy regarding the exemption of gross receipts from the sale of United States Indian and native handicrafts from franchise fee calculations.

**EFFECTIVE DATE:** April 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert Yearout, Chief, Concession Program Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, Tele. (202) 343-3784.

**SUPPLEMENTARY INFORMATION:** On January 17, 1995, the National Park Service published for public comment in the Federal Register proposed amendments to certain concession policies. Two of these policy amendments were adopted under separate notice published on July 20, 1995. The remaining policy amendment proposed to eliminate the exemption from franchise fee computation of gross receipts from the sale of Native American handicrafts. In reviewing comments received on this proposal, NPS noted that the notice incorrectly limited this exclusion to Native American handicrafts, although the Standard NPS Concession Contract refers to "genuine United States Indian and native handicraft." Because this is a much broader category than indicated in the January 17, 1995, Federal Register notice, NPS published a revised policy amendment for comment in the Federal Register of July 20, 1995.

NPS received 23 comments concerning its proposal to eliminate the handcraft exemption from gross receipts for the purpose of franchise fee calculation. Ten of these comments came from NPS concessioners or associated companies, 2 from

associations representing groups of NPS concessioners, one from an interested environmental organization, one from an Indian Tribe, one from a State agency, one from an individual, and 7 from craftspersons or groups representing craftspersons.

#### Analysis of Comments

The following is an analysis of the comments received on the policy proposal NPS is adopting under this notice.

Sixteen commenters felt that elimination of the franchise fee exemption would diminish the extent to which handcrafts are marketed and sold within the parks, or that elimination of the exemption reflects a departure from a long-established objective of NPS to encourage handcrafts and merchandise appropriate to the park and region. One of these commenters felt that NPS should continue to do everything possible to continue to promote the sale of Native American handcrafts in the parks. Elimination of the exemption does not change the NPS objective of encouraging handcrafts and merchandise appropriate to the park and region. It is important to note that this policy revision is prospective in nature. Existing contracts which provide for the exemption will not be affected by this policy change. However, new contracts will contain a provision requiring that concessioners implement a plan to assure that all gift merchandise is theme oriented specifically to the park in which they operate. A wide range of specific local themes such as geology, wildlife, plant life, archaeology, applicable local or Native American culture, and themes which enhance the idea of conservation and national park values will be used to establish the types of merchandise to be sold. NPS believes that this is a more positive approach to assuring that appropriate merchandise of all types is offered for sale within the parks than simply exempting gross receipts from the sale of certain items from franchise fees. This approach was also supported by one commenter, who felt that concessioners should be encouraged to sell native handcrafts through other means.

Two commenters suggested that NPS should strengthen its policy by providing more attention to enforcement and implementation, by narrowing the scope of the exemption to encourage the sale in particular parks of genuine handcrafts native to their regions, and by prohibiting the sale, outright, of imitation arts and crafts within the national parks. Again, NPS feels that its planned approach to the sale of

merchandise, including handcrafts, will accomplish these objectives to a much greater extent than the exemption has in the past.

Nine commenters expressed concern that elimination of the exemption may result in less sales of handcrafts, and that gains in franchise fees may be offset by increased costs in entitlement programs for craftspersons who lose sales. They also expressed concern about the effect this might have on artisans in rural communities. NPS intends to take an increased proactive role in encouraging the development and sale of theme-related handcrafts within the parks, and does not anticipate that the sale of handcrafted items will be significantly reduced or eliminated as a result of eliminating the exemption. Rather, the emphasis that will be placed on merchandise thematically related to the park and its resources is likely to increase the sale of handcrafts and related items in most areas.

Three commenters indicated that they felt that NPS efforts to extend franchise fees to concessioner sales from facilities outside the parks would be illegal. Elimination of the exemption has no effect on operations outside of park boundaries, and NPS does not intend to extend franchise fees to sales from facilities outside the parks.

One commenter stated that finding quality handcrafts and the individual selection required is costly and time-consuming, and that the proposal will penalize concessioners who endeavor to present the finest of American workmanship to park visitors. NPS believes that, in most cases, concessioners have already identified and selected sources for handcrafted, theme-related items and, consequently, the costs associated with finding suppliers of appropriate handcraft items have been incurred while the exemption was still in effect. As indicated previously, existing contracts which permit the exemption will not be affected by this policy change, and new contracts will provide for a more proactive approach to assuring that merchandise offered for sale is related to the park theme. Accordingly, existing concessioners will have the remainder of their existing contract terms with the exemption still in effect to refine their handcraft purchasing strategies.

Finally, one commenter suggested that NPS should postpone policy changes in view of the legislative proposals currently under consideration by the Congress. NPS disagrees, as none of these legislative proposals would directly affect this policy revision.