

**SUPPLEMENTARY INFORMATION:** The National Park Service (NPS) administers a number of concession contracts which grant the concessioner a "possessory interest" in authorized capital improvements made to park lands by the concessioner in furtherance of their authorized operations. Possessory interest grants the concessioner a compensable interest in such improvements should it cease to be authorized to utilize them under the term of a concession contract. Concession contracts vary with respect to the measure of this compensation. The February 17, 1998, notice concerns the NPS interpretation of "sound value" possessory interest, one measure of possessory interest compensation.

Several comments were received in response to that notice. One comment was submitted by an organization representing concessioners, and the remainder were received from licensed real estate appraisers.

Several of the comments received concerned matters which were not within the scope of the request for comments. Particularly, a number of questions were raised about how NPS intends to address more specific issues regarding possessory interest appraisals and how a concessioner's possessory interest relates to a concessioner's right of preference in contract renewal. These questions have been noted by NPS but are not responded to here as they are beyond the scope of the proposed policy. The proposed policy, correspondingly, has been renamed "Interpretation of Sound Value Possessory Interest." In addition, its description of specific appraisal methods has been deleted as it is more appropriate to address such methodology in NPS appraisal instructions rather than in a policy statement. Finally, several clarifying editorial changes have been made.

One commenter asked how the proposed policy relates to previous NPS internal guidance. The final policy supersedes all previous NPS guidance inconsistent with its terms.

Most of the relevant comments received raised questions about the meaning of the last paragraph of the proposed policy, which read as follows:

The NPS may choose to consider, based on professional and knowledgeable analysis, therefore, that in some circumstances a less than formal appraisal value may be needed for internal purposes. In those instances, NPS appraisers may provide estimates of value which will clearly disclose that said estimates do not conform to appraisal standards and are subject to change based on execution of a formal appraisal.

This paragraph was included in the proposed policy to cover instances where, for internal purposes, an estimate of value might be made by an NPS appraiser with less than a complete Summary Appraisal report. As such an estimate would be for internal purposes only, NPS has removed this paragraph from its final policy.

NPS points out, however, that on occasion it may make and publicly release estimates of the value of a concessioner's possessory interest for contract administration and/or other purposes. Such estimates, unless they are developed in conformance with appraisal practices and standards, will make clear that they have not been made by a licensed appraiser nor under usual appraisal practices and standards. Two sentences to this effect have been added to the final policy.

One commenter questioned the use of the Third Edition of The Appraisal of Real Estate in defining the term "fair market value," stating that the definition NPS used is from the 11th edition. The final policy deletes reference to a particular source for the definition and notes that the definition is subordinate if inconsistent with law in particular circumstances. However, in light of the express legislative history of Public Law 89-249, the definition of reproduction cost to be used by NPS is the definition used in such legislative history which cites the first paragraph of page 188 of the Third Edition of The Appraisal of Real Estate.

In consideration of comments received, the final NPS policy is as follows:

#### **Interpretation of Sound Value Possessory Interest**

NPS will construe the term "reconstruction cost" as used in NPS concession contracts to be synonymous with the term "reproduction cost" defined as follows consistent with the legislative history of Public Law 89-245:

Reproduction cost of improvements in which an NPS concessioner has a possessory interest is the present cost of replacing the improvements with as nearly an exact replica as modern materials and equipment will permit.

When an NPS concession contract utilizes the term "fair market value" with respect to possessory interest, NPS will construe the term as follows unless otherwise inconsistent with law in particular circumstances:

The most probable price, as of a specific date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale,

with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

In circumstances where NPS considers it necessary, it will undertake appraisals of improvements in which an NPS concessioner has a possessory interest. In making such appraisals, it will utilize or cause its appraiser to utilize, where applicable, the preceding definitions in arriving at the appraised value of possessory interest. In addition, when appropriate, NPS may make estimates of the value of a concessioner's possessory interest for contract administration and/or other purposes. Such estimates will make clear that they have not been made by an appraiser nor under usual appraisal practices and standards.

Dated: June 3, 1998.

**Wendelin M. Mann,**

*Acting Concession Program Manager.*

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **Golden Gate National Recreation Area; the Presidio of San Francisco, CA; Notice of Transfer of Administrative Jurisdiction to the Presidio Trust**

This notice announces a transfer of administrative jurisdiction over a portion of The Presidio of San Francisco to the Presidio Trust, effective July 1, 1998.

Notice is hereby provided that administrative jurisdiction over approximately 80 percent of The Presidio of San Francisco will be transferred from the National Park Service to the Presidio Trust on July 1, 1998 in accordance with Title 1 of Public Law 104-333. The precise area which is being transferred is depicted as Area B on the map entitled "Presidio Trust Number 1, dated December 7, 1995," copies of which are available for inspection at the National Park Service, William Penn Mott Jr. Visitor Center, Building 102, Main Post, Presidio of San Francisco and at the Presidio Trust, Building 10, Main Post, Presidio of San Francisco, CA 94129.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. J. Griffin, General Manager, Presidio of San Francisco (415-561-4401) or James E. Meadows, Executive Director, Presidio Trust (415-561-5300).

Dated: June 2, 1998.

**B.J. Griffin,**

*General Manager, Presidio of San Francisco.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Acadia National Park; Bar Harbor, Maine; Acadia National Park Advisory Commission, Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, June 29, 1998. There will be no meeting on Monday, June 22, 1998.

The Commission was established pursuant to Public Law 99-420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held October 27, 1997.
2. Committee reports.
3. Old business.
4. Superintendent's report.
5. Public comments.
6. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288-3338.

Dated: June 3, 1998.

**Paul F. Haertel**

*Superintendent, Acadia National Park.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Appalachian National Scenic Trail

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

**ACTION:** Record of decision.

**SUMMARY:** This action announces a decision on a proposed exchange of federally-owned lands for privately owned lands near Cloud Bank Road, Township of Philipstown, Putnam County, New York.

The National Park Service's Appalachian National Scenic Trail will continue with negotiations to exchange federally-owned lands for privately-owned lands near Cloud Bank Road in the Garrison, New York area. The federally-owned lands include the Colt Estate Dam. The authority for this exchange is Section 5(b) of the Land and Water Conservation Fund Act Amendments in Public Law 90-401 approved July 15, 1968 and Section 7(f) of the National Trails System Act, Public Law 90-543, as amended.

The proposal to exchange lands has generated a significant amount of public interest. On June 28, 1997, the National Park Service (NPS) published a Notice of Realty Action describing the lands to be exchanged. The National Park Service subsequently conducted a public meeting concerning the proposed exchange in Garrison, New York on December 16, 1997.

Written comments both in favor of and in opposition to the proposed exchange were received from concerned citizens and local, state and federal officials. Comments from the public at the Garrison meeting also were recorded for review and evaluation.

The comments expressed can be characterized as fitting into four main themes: (1) Concern over transferring lands protected by the NPS to private citizens, (2) Concern over development over the exchanged lands, (3) Concern with the condition of the Colt Estate Dam, and (4) Concern with land valuation.

In response to the concerns expressed by the public, the Appalachian Trail Park Manager has directed the Appalachian Trail Land Acquisition Office to continue with negotiations to exchange the federally-owned lands for privately-owned lands. The conditions of the exchange now will include conservation restrictions to be held by a third party, non-profit entity on the property to be exchanged, and deed provisions whereby the owners, his heirs and assigns agree to maintain liability insurance with assurances that

dam repairs and maintenance are performed to the satisfaction of New York State dam safety officials.

**FOR FURTHER INFORMATION CONTACT:** Chief, Acquisition Division, National Park Service, AT/LAFO, PO Box 908, Martinsburg, WV 25402, 304-263-4943.

Dated: May 19, 1998.

**Pamela Underhill,**

*Park Manager, Appalachian National Scenic Trail.*

[FR Doc. 98-15690 Filed 6-11-98; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

June 9, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ((202) 219-5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday-Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), on or before July 13, 1998.

The OMB is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who