

comments through April 8, 1997. This notice seeks public comment on certain proposed amendments and clarifications to NPS-48.

**COMMENT DATE:** June 30, 1997.

**ADDRESSES:** Comments should be addressed to Robert Yearout, Program Manager, Concessions Program, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

**FOR FURTHER INFORMATION CONTACT:** Copies of the Food Code proposed amendments to NPS-48 discussed below and, for those persons who have not previously obtained one, a copy of those portions of NPS-48 which had not previously been published for comment, are available by contacting Wendelin Mann, Concessions Program, National Park Service (202) 565-1219.

**SUPPLEMENTARY INFORMATION:** As a result of considering NPS-48 after receipt of public comments from the February 20, 1997, NPS is considering several clarifications and amendments to NPS-48. In addition, NPS is considering amending NPS-48 to update its Food Code guidelines. The proposed amendments and clarifications are set forth below, except for the proposed Food Code amendments which are available upon request from interested persons. NPS will respond to all comments received as a result of this notice and the February 20, 1997, notice through an additional **Federal Register** notice.

### **Proposed NPS-48 Amendments and Clarifications**

#### *1. Conformance With Revised Regulations*

One commenter in response to the February 20, 1997, notice, pointed out that the concession contracting regulations (36 CFR, Part 51) included in NPS-48 are not the most recent version of these regulations, which were amended effective October 5, 1992. NPS agrees that the copy of the regulations contained in NPS-48 is outdated, and hereby proposes to delete the old regulations and incorporate the revised regulations in NPS-48. NPS further notes that in the event of any conflict between these revised regulations and any guidance contained in NPS-48, the revised regulations will prevail.

#### *2. Concessioner Evaluation Program*

One Commenter pointed out that a conflict exists between NPS-48 and the revised regulations (36 CFR 51.5) concerning the disposition of unsatisfactory and marginal ratings. NPS-48 states that if a concessioner receives an annual overall rating of "unsatisfactory" in any year of the

contract term or "marginal" for any 2 consecutive years, then the concessioner is not entitled to a right of preference in the renewal of its contract. The regulations at 36 CFR 51.5(a) limit the loss of a concessioner's right of preference in contract renewal to the last year (for "unsatisfactory" ratings) or the last 2 years (for "marginal" ratings) prior to issuance of a prospectus. NPS agrees that the regulations and guideline are in conflict on this point, and hereby proposes to amend NPS-48 to adopt the language of the regulation at 36 CFR 51.5(a).

#### *3. Deposits for Advance Reservations*

One commenter pointed out that one provision in NPS-48 requires that rates in effect at the time of a deposit should apply to all or a portion of the visitor stay, even though there may have been a price increase (Chapter 29, D.2.b), and that this conflicts with another provision in NPS-48 which allows concessioners to charge the increased rates so long as individuals making advance reservations are notified that rates are subject to change and are not guaranteed by the deposit (Chapter 29, D.1.c.(1)). NPS agrees that these provisions are in conflict and hereby proposes to adopt the provision allowing concessioners to charge increased rates if individuals making reservations are notified that rates are subject to change and not guaranteed by the deposit.

#### *4. Waiver of Franchise Fees*

NPS proposes to clarify NPS-48 with respect to waiver of franchise fees. In this regard, Chapter 24, section 5.i. of NPS-48 authorizes waiver of NPS concession contract franchise fees in certain circumstances. However, NPS-48 fails to note that as a matter of law such waivers are permissible only where the concession contract or permit in question contains an express provision authorizing such a waiver. Decision of the Comptroller General, April 11, 1944 (B-40226). In addition, NPS needs to state more directly that the waiver provisions of NPS-48 apply only to franchise fees, not to any other financial obligations of a concessioner set forth in an NPS concession contract or permit.

### **Specific Proposed Amendments and Clarifications to NPS-48**

1. Chapter 5, Subsection B.21., of NPS-48 is hereby proposed to be amended by deleting the former text of 36 CFR Part 51, and replacing it with the text of 36 CFR, Part 51, as revised on October 5, 1992.

2. Chapter 19 of NPS-48 is hereby proposed to be amended by deleting the first sentence of subsection G and replacing it with the following two sentences;

When a concessioner's Annual Overall Rating is Unsatisfactory for a year, or Marginal for two consecutive years, it constitutes ground for termination of the contract/permit. Further, if a concession receives an annual overall rating of Unsatisfactory during the last year prior to issuance of a prospectus, or an annual overall rating of Marginal during the 2 years prior to issuance of a prospectus, then the concessionaire is not entitled to a right of preference in the renewal of its contract or permit.

3. Chapter 24 of NPS-48 is hereby proposed to be clarified by adding the following two sentences to the end of the first paragraph of section 5.i.:

Franchise fee waivers as a matter of law are only permissible under this section or otherwise where the concession contract or permit in question contains an express provision which authorizes such a waiver. In addition, even in circumstances where a concession contract or permit contains such an express franchise fee waiver provision, such waiver authority applies only to payment of franchise fees; it does not apply to any other financial or other obligations a concessioner may have under the terms of a concession contract or permit unless the contract or permit in question expressly so states.

4. Chapter 29 of NPS-48 is hereby proposed to be amended by deleting subsection D.2.b.

5. NPS hereby proposes to amend Chapter 21, Standard 1, of NPS-48 with respect to its Food Code guidelines to conform them to the revised "Food Code" issued by the United States Public Health Service in 1993. Copies of the proposed changes are available at the address and telephone number mentioned above.

Dated: May 16, 1997.

**Robert K. Yearout,**

*Concession Program Manager.*

[FR Doc. 97-14042 Filed 5-28-97; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **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 16, 1997.

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, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held August 5, 1996.
2. Welcome to new Commission members.
3. Report of the Conservation Easement Subcommittee:
  - A. Proposed Black conservation easement, Town of Swans Island
  - B. Guest speaker: Ms. Deb Brighton, Ad Hoc Associates: "Open Land, Development, Land Conservation and Property Taxes in Maine's Organized Municipalities"
4. Report of the Acquisition Subcommittee.
5. Report of the Planning Subcommittee.
6. Appointment of new subcommittee members.
7. Old business.
8. Superintendent's report.
9. Public comments.
10. 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: May 16, 1997.

**Len Bobinchock,**

*Acting Superintendent, Acadia National Park.*

[FR Doc. 97-14059 Filed 5-28-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Maine Acadian Culture Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (PL 92-463) that the Maine Acadian

Culture Preservation Commission will meet on Friday, June 20, 1997. The meeting will convene at 7:00 p.m. in the cafeteria at the Madawaska Elementary School, Eleventh Avenue, Madawask, Aroostook County, Maine.

The Maine Acadian Culture Preservation Commission was appointed by the Secretary of the Interior pursuant to the Maine Acadian Culture Preservation Act (PL 101-543). The purpose of the Commission is to advise the National Park Service with respect to:

- The development and implementation of an interpretive program of Acadian culture in the state of Maine; and
- The selection of sites for interpretation and preservation by means of cooperative agreements.

The Agenda for this meeting is as follows:

1. Review and approval of the summary reports of the meeting held February 21, 1997, and the workshop held April 18, 1997.
2. A talk by Deborah Robichaud on "The Iconography of Evangeline"
3. NPS staff report
4. Upcoming commission meetings and speakers
5. Other business
6. Heritage Council formation
7. Dedication of Maine Acadian traveling exhibit
8. Proposed agenda, place, and date of the next Commission meeting

The meeting is open to the public. Further information concerning Commission meetings may be obtained from the Superintendent, Acadia National Park. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, ME 04609-0177; telephone (207) 288-5472.

Dated: May 12, 1997.

**Paul F. Haertel,**

*Superintendent, Acadia National Park.*

[FR Doc. 97-14058 Filed 5-28-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Bay-Delta Advisory Council Ecosystem Roundtable Meeting

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Bay-Delta Advisory Council (BDAC) Ecosystem Roundtable will meet to discuss several issues including: the review and selection process for Category III applications; the recently issued request for proposals (RFP) for Category III funds; the public outreach for the RFP; funding coordination; and the status of the proposed federal funds. This meeting is open to the public. Interested persons may make oral statements to the Ecosystem Roundtable or may file written statements for consideration.

**DATES:** The BDAC Ecosystem Roundtable meeting will be held from 9:30 am to 12:30 pm on Friday, June 13, 1997.

**ADDRESSES:** The BDAC Ecosystem Roundtable will meet in Room 1131, Resources Building, 1416 Ninth Street, Sacramento, CA.

**CONTACT PERSON FOR MORE INFORMATION:** Kate Hansel, CALFED Bay-Delta Program, at (916) 657-2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653-6952 or TDD (916) 653-6934 at least one week prior to the meeting.

**SUPPLEMENTARY INFORMATION:** The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The CALFED Bay-Delta Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta