

the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

BLM has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act of 1995

Pursuant to the requirements of section 205 of the Unfunded Mandates Reform Act of 1995 (UMRA), BLM has selected the most cost-effective and least burdensome alternative that achieves the objectives of the rule. Removal of 43 CFR part 2610 will not result in any unfunded mandate to state, local or tribal governments in the aggregate, or to the private sector, of \$100,000,000 or more in any one year.

Executive Order 12612

The proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12630

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this Executive Order.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the proposed rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Author

The principal author of this rule is Jeff Holdren, Realty Use Group, (202) 452-7779, assisted by Frances Watson, Regulatory Management Team, (202) 452-5006.

List of Subjects in 43 CFR Part 2610

Homesteads, Intergovernmental relations, Irrigation, Public lands—grants, Reclamation.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, BLM proposes to remove part 2610 of group 2600, subchapter B, chapter II of title 43 of the Code of Federal Regulations.

Dated: August 27, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96-22705 Filed 9-9-96; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Parts 6400 and 8350

RIN 1004-AC87

Wild and Scenic Rivers

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In response to President Clinton's Government-wide regulatory reform initiative, the Bureau of Land Management (BLM) proposes to write the regulation on wild and scenic rivers in a straightforward "Plain English" style. This regulation would establish uniform standards and procedures by which BLM will consider Federal licensing of, or assistance to, water resource projects on components affecting Wild and Scenic Rivers or Study Rivers administered by the Secretary of the Interior, through the Director, BLM. The regulation would harmonize BLM's procedures and definitions with those of the U.S. Forest Service to streamline and improve the administration of the Wild and Scenic Rivers System.

DATES: Submit comments by October 10, 1996. BLM may, but need not, consider comments received or postmarked after this date in preparing the final rule.

ADDRESSES: Commenters may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW, Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. Commenters may transmit comments electronically via the Internet to: WOCComment@WO0033wp.wo.blm.gov. [For Internet, please include "Attn: AC87", your name and address in your message.]

Comments will be available for public review at the L Street address during regular business hours, from 7:45 a.m. to

4:15 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary Marsh, Special Areas and Land Tenure Team, (202) 452-7795.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Discussion of Proposed Rule
- III. Procedural Matters

I. Public Comment Procedures

Written comments on the proposed rule should be specific, focus on issues pertinent to the proposed rule, and explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal being addressed. If comments are received or postmarked after the close of the comment period (see **DATES**) or delivered to an address other than the one listed above (See **ADDRESSES**), BLM will not necessarily consider or include them in the Administrative Record for the final rule.

II. Discussion of Proposed Rule

This proposed rule follows up an Advance Notice of Proposed Rulemaking that the BLM published in the June 5, 1996, Federal Register (61 FR 28546). That advance notice notified the public of the restructuring of 43 CFR Parts 6000-9000, and of BLM's plans to publish proposed rules for those parts in the near future. BLM now proposes to renumber and revise present Part 8350 of 43 CFR under the authority of Section 7 of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1278). That Act directs Federal agencies to protect the free-flowing condition and other values of designated rivers and congressionally-authorized study rivers from the harmful effects of proposed water resources projects.

The proposed rule sets forth applicable procedures that the Director, BLM, uses in administering Federal assistance for proposed water resources projects affecting Wild and Scenic Rivers or Study Rivers. This regulation is consistent with that of the Forest Service, U.S. Department of Agriculture, at 36 CFR Part 297.

III. Procedural Matters

National Environmental Policy Act of 1969

The BLM has prepared a draft environmental assessment (EA), and has made a tentative finding that the final rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969

(NEPA), 42 U.S.C. 4332(2)(C). The BLM anticipates making a Finding of No Significant Impact (FONSI) for the final rule in accordance with the BLM's procedures under NEPA. The BLM has placed the EA on file in the BLM Administrative Record at the address specified previously. The BLM will complete an EA on the final rule and make a finding on the significance of any resulting impacts prior to promulgation of the final rule.

Paperwork Reduction Act

The proposed rule does not contain information collection requirements that the Office of Management and Budget must approve under 44 U.S.C. 3501 et seq.

The Regulatory Flexibility Act

BLM has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Unfunded Mandates Reform Act of 1995

This proposed rule does not include any Federal mandate that may result in expenditures of \$100 million or more in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Therefore, a Section 202 statement under the Unfunded Mandates Reform Act is not required.

Executive Order 12612

BLM has analyzed this rule under the principles and criteria in Executive Order 12612 and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12630

BLM certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12866

The proposed rule does not meet the criteria for significant regulatory action requiring review by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review.

Executive Order 12988

The Department has determined that this rule meets the applicable standards in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Author

The principal author of this rule is Frances Watson, Regulatory Management Team, (202) 452-5006.

List of Subjects

43 CFR Part 6400

National Wild and Scenic Rivers System.

43 CFR Part 8350

National Trails System, National Wild and Scenic Rivers System, Penalties, Public lands.

For the reasons discussed in the preamble and under the authority of 43 U.S.C. 1740, BLM proposes to amend chapter II of Title 43 of the Code of Federal Regulations as set forth below:

1. Part 8350 is removed.
2. A new part 6400 is added to read as follows:

PART 6400—WILD AND SCENIC RIVERS

Subpart A—Introduction

Sec.

6400.1 What is the purpose of part 6400?

6400.2 How are key terms in this part defined?

Subpart B—Proposed Water Resources Projects

6400.10 What procedures must a Federal department or agency follow to receive consideration from BLM before providing assistance to, or authorization of, a water resources project?

6400.11 Under what conditions will the Director approve Federal assistance to, or authorization of, a water resources project?

6400.12 What is the time limit for the Director to approve Federal assistance to, or authorization of, a water resources project?

Authority: 16 U.S.C. 1271-1288.

Subpart A—Introduction

§ 6400.1 What is the purpose of part 6400?

Part 6400 specifies BLM policies and procedures for administering Federal assistance or licensing of water resources projects affecting Wild and Scenic Rivers or Study Rivers.

§ 6400.2 How are key terms in this part defined?

As used in part 6400:

Act means the Wild and Scenic Rivers Act (82 Stat. 906, as amended; 16 U.S.C. 1271-1288).

Construction means any action carried on with Federal assistance affecting the free-flowing characteristics or the outstandingly remarkable values of a Wild and Scenic River or Study River.

Federal assistance means any assistance by an authorizing agency before, during, or after construction. Such assistance may include, among other examples, a license, permit, preliminary permit, or other authorization granted by the Federal Energy Regulatory Commission (FERC) under sections 4 (e) and (f) of the Federal Power Act (16 U.S.C. 797); a license, permit or other authorization granted by the Corps of Engineer, Department of the Army, under the Rivers and Harbors Act of 1899 (33 U.S.C. 401 et seq.) and section 404 of the Clean Water Act (33 U.S.C. 1344); or any other license, permit, assistance, or authorization required by a Federal department or agency.

Free-flowing means existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway, as defined by section 16(b) of the Act (16 U.S.C. 1286(b)).

Study period means the time during which the BLM will study an eligible river as a potential component of the Wild and Scenic Rivers System. The study period may last up to 3 additional years for Congressional consideration of a report recommending designation, or such additional time as may be provided by statute.

Study river means a river and the adjacent area within one quarter mile on each side of the river from the ordinary high water mark (or other width as identified by the Congress), which is designated for study as a potential addition to the National Wild and Scenic Rivers System under section 5(a) of the Act.

Water resources project means any project under the Federal Power Act (41 Stat. 1063, 16 U.S.C. 791a) as amended, or other construction of developments which may affect the free-flowing characteristics of a Wild and Scenic River or Study River. Examples could include, among others, dams, water conduits, reservoirs, powerhouses, transmission lines, water diversion projects; dredge and fill operations, fisheries habitat and watershed restoration/enhancement projects; bridge and other roadway construction/reconstruction projects; bank stabilization projects; channelization projects; recreation facilities such as boat ramps and fishing piers; and activities such as suction dredging associated with mining.

Wild and scenic river means a river and the adjacent area within the boundaries of a component of the National Wild and Scenic Rivers System.

Subpart B—Proposed Water Resources Projects

§ 6400.10 What procedures must a Federal department agency follow to receive consideration from BLM before providing assistance to, or authorization of, a water resources project?

(a) *Advance notice.* (1) Federal department and agencies must notify the Director, BLM, as soon as possible of their intention to issue a license, permit, or other authorization for a federally-assisted water resources project on any portion of a Wild and Scenic River or Study River administered by the BLM.

(2) Agencies must send advance notice at least 60 days before the date of the proposed action.

(3) Agencies should send the notice to the Director, Bureau of Land Management, 1620 L Street NW., WO-420, Mail stop 204LS, Washington, DC 20240-9998.

(b) *Contents of notice.* Include the following information in the notice:

- (1) Name and location of affected river;
- (2) Location of the project;
- (3) Nature of the permit or other authorization proposed to be issued;
- (4) Description of the proposed activity; and
- (5) Any relevant information, such as plans, maps, environmental studies, assessments, or impact statements, alternatives, and mitigating measures.

§ 6400.111 Under what conditions will the Director approve Federal assistance to, or authorization of, a water resources project?

(a) The Director will approve Federal assistance to, or authorization of, a water resources project if he or she determines that:

(1) The water resources project will not have a direct and adverse effect on the values for which a Wild and Scenic River was designated or Study River was authorized, when any portion of the project is within the boundaries of such river; or

(2) The effects of the water resources project will neither invade nor unreasonably diminish the scenic, recreational, and fish and wildlife values of a Wild and Scenic River, when any portion of the project is located above, below, or outside the Wild and Scenic River; or

(3) The effects of the water resources project will neither invade nor diminish the scenic, recreational, and fish and wildlife values of Study River when the project is located above, below, or outside the Study River during the study periods; and

(4) The water resources project is in compliance with the National Environmental Policy Act (NEPA).

(b) If the proposed assistance or authorization fails to meet the above conditions, the Director will disapprove an authorization for a water resources project.

§ 6400.12 What is the time limit for the Director to approve Federal assistance to, or authorization of, a water resources project?

The Director must approve or disapprove an authorization for a water resources project within 60 calendar days of receiving the advance notice. The Director, to the extent possible, will expedite consideration of a notice of intent for a project it is needed to address an emergency.

Dated: August 27, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96-095, Notice 01]

RIN 2127-AG50

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public workshop; request for comments.

SUMMARY: This document announces that NHTSA will be holding a public workshop to explore issues relating to improving child safety by establishing requirements for universal child restraint anchorage systems. The purpose of the workshop is to—

- Assess and discuss the relative merits, based on safety, cost, public acceptance and other factors, of various competing solutions to the problems associated with improving the compatibility between child restraint systems and vehicle seating positions and belt systems, increasing child restraint effectiveness, and increasing child restraint usage rates;

- Assess the prospects for the adoption in this country and elsewhere of a single regulatory solution or at least compatible regulatory solutions; and

- Promote the convergence of those solutions.

DATES: *Public workshop:* The public workshop will be held in Washington DC on October 9 and 10, 1996, from 9:00 a.m. to 5:00 p.m.

Those wishing to participate in the workshop should contact Dr. George Mouchahoir, at the address or telephone number listed below, by October 4, 1996.

Written comments: Written comments may be submitted to the agency and must be received by October 25, 1996.

ADDRESSES: *Public workshop:* The public workshop will be held in room 2230 of the Nassif Building, 400 Seventh St. SW, Washington DC 20590.

Written comments: All written comments must refer to the docket and notice number of this notice and be submitted (preferable 10 copies) to the Docket Section, National Highway Traffic Safety Administration (NHTSA), Room 5109, 400 Seventh St., S.W., Washington, D.C. 20590. Docket hours are from 9:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. George Mouchahoir, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590 (telephone 202-366-4919).

SUPPLEMENTARY INFORMATION:

I. Safety Problem

A child restraint system that is properly installed in a motor vehicle and used correctly can reduce the chance of serious injury in a crash by 67 percent and fatal injury by an estimated 71 percent. However, the safety benefits of a child restraint system can be reduced considerably or even negated altogether when the child restraint is not properly installed and used. A four-state study done for the National Highway Traffic Safety Administration (NHTSA) in 1996 examined people who use child restraint systems and found that approximately 80 percent of the persons made at least one error in using the systems.¹ The rates of incorrect usage for specific components were 72 percent for the clip designed to lock the vehicle lap belt used to secure the child restraint system, 59 percent for the harness retainer chest clip, 46 percent for the harness strap, and 17 percent for the vehicle safety belt. The study did not address the potential risk of injury for each mode of incorrect usage.

A major source of difficulty in properly installing child restraints is incompatibility between child restraints and vehicle seating positions and safety

¹ A copy of this study will be placed in the docket prior to the public workshop.