

Authority: 42 U.S.C. 7401-7671q.

Dated: September 24, 1996.

Patricia D. Hull,

Acting Regional Administrator.

[FR Doc. 96-25399 Filed 10-2-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2760

RIN 1004-AC91

Reclamation Projects, Grant of Lands in Reclamation Townsites for School Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This rule proposes the removal 43 CFR part 2760 in its entirety. This action is being undertaken because the regulations consist of outdated material and statutory recitations, and these subparts can be removed without any significant effect.

DATES: Any comments must be received by Bureau of Land Management (BLM) at the address below on or before December 2, 1996. Comments received which are postmarked after the above date will not necessarily be considered in the decisionmaking process on the final rule.

ADDRESSES: If you wish to comment, you 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. You also may transmit comments electronically via the Internet to WOCComment@WO0033wp.wo.blm.gov. Please include "attn: RIN 1004AC91" in your message. If you do not receive a confirmation from the system that we have received your internet message, contact us directly during regular business hours. You will be able to review comments at BLM's Regulatory Management Team office, Room 401, 1620 L St., NW., Washington, DC, during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, Bureau of Land Management, Realty Use Group, at 202-452-7779.

SUPPLEMENTARY INFORMATION:

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

I. Public Comment Procedures

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the comment addresses. BLM may not necessarily consider or include in the Administrative Record for the rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background and Discussion of Proposed Rule

The existing regulations at 43 CFR part 2760 were created for BLM to assist the Bureau of Reclamation in disposing of lands through public sale or grants to townsites for school purposes. BLM proposes to remove these regulations because they contain no applicable, substantive provisions beyond what is already in the statutes.

Subpart 2764 consists entirely of unnecessary material. Sections 2764.1 and 2764.3 concern procedures the Commissioner of Reclamation must follow when appraising and selling the lots at issue. These provisions are derived from 43 U.S.C. 561-573, and serve the informational purpose of informing the public of the role assumed by the Bureau of Reclamation in this program. However, the regulations are redundant, and BLM regulations cannot bind the Bureau of Reclamation; therefore, these two sections have no substantive effect. The remaining sections of subpart 2764 are direct recitations of statutory language: section 2764.2 repeats 43 U.S.C. 564-565, and section 2764.4 largely repeats 43 U.S.C. 566. Finally, the last sentence of section 2764.4, the part which does not merely repeat the statute, is outdated, as evidenced by its reference to a CFR section that no longer exists.

Subpart 2765 consists of the filing procedures school districts must follow when applying for a land grant for school purposes. These regulations elaborate on the statutory provisions at 43 U.S.C. § 570 authorizing the Secretary of the Interior to grant school districts up to six acres from a reclamation townsite. However, BLM

wishes to remove these regulations to give itself and the Bureau of Reclamation added flexibility in processing the rare application for a school grant. Rather than requiring the school district to submit the lengthy requirements currently contained in section 2765. 1, BLM would only ask that an application be submitted which complies with any Bureau of Reclamation requirements and is otherwise adequate to inform BLM of its request. The substantive provisions currently contained in subpart 2765, such as the reversion held by the United States in the event the land is used for purposes other than a school, are entirely contained in the statute at § 570.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that because this proposed rule only eliminates provisions that have no impact on the public and no continued legal relevance, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1. 10. In addition, this action does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act

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

Regulatory Flexibility

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 et seq., to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a

substantial number of small entities. BLM has determined under the RFA that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Removal of 43 CFR part 2760 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 BLM 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 deletion of "policies that have takings implications." Since the primary function of the proposed rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, BLM 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 proposed rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this proposed rule is Jeff Holdren, Bureau of Land Management, Realty Use Group, 1849 C Street, NW, Washington, DC 20240; Telephone 202/452-7779.

List of Subjects for 43 CFR Part 2760

Land Management Bureau; Public lands—sale; Reclamation; Schools.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2760 of Group 2700, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 2760—[REMOVED]

1. Part 2760 is removed in its entirety.

Dated: September 27, 1996.

Sylvia V. Baca,

Assistant secretary of the Interior.

[FR Doc. 96-25402 Filed 10-2-96; 8:45 am]

BILLING CODE 4310-84-P

43 CFR Parts 3740, 3810, 3820

[WO-340-1220-00-24 1A]

RIN 1004-AC96

Multiple Use, Mining; Mining Claims Under the General Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove 43 CFR subparts 3745, 3824, 3825 and section 3811.2-7 in their entirety. Each of these regulations is unnecessary or obsolete, either because it describes programs which no longer exist or because it contains provisions already required by statutes or other applicable regulations. As a result, deleting these regulations will have no impact on BLM customers or the public at large.

DATES: Any comments must be received by BLM at the address below on or before November 4, 1996. Comments received after the above date will not necessarily be considered in the decisionmaking process on the final rule.

ADDRESSES: If you wish to comment, you may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You also may transmit comments electronically via the Internet to:

WOCComment@WO0033wp.wo.blm.gov. Please include "attn: RIN AC96", your name and address in your message. If you do not receive a confirmation from the system that we have received your internet message, contact us directly. You will be able to review comments 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:

Roger Haskins, Bureau of Land Management, Solids Group, 1849 C Street, Washington, DC 20240; Telephone: (202) 452-0355.

SUPPLEMENTARY INFORMATION:

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

I. Public Comment Procedures

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the comment addresses. BLM may not necessarily consider or include in the Administrative Record for the rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background and Discussion of Proposed Rule

The regulations that are being removed are obsolete and unnecessary. Therefore their removal will not have a negative impact on the regulated community.

Subpart 3744—this subpart addressing a mining claimant's rights, consists entirely of duplicated statutory language. This subpart merely quotes Sections 7(d) and 8 of the Multiple Minerals Development Act, 30 U.S.C. 527(d) and 528. The regulation adds nothing to the language contained in the statute, nor does the statute itself command that regulations be promulgated as a prerequisite to the statute taking effect. Therefore, this regulation serves no substantive purpose.

Subpart 3745—this subpart sets out the conditions for opening Helium Reserves to mining location and mineral leasing, and is an unnecessary duplication of statutory language from the Multiple Mineral Development Act, 30 U.S.C. 521 *et seq.* Beyond a quotation of the statutory language, this subpart only includes an assertion that applications filed prior to published notice to open the helium reserves will confer no rights. However, merely filing an application cannot confer any rights until the application is approved. Furthermore, Helium Reserves Number 1 and 2 were opened in 1955, have since