promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this 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.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counter part Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 3, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–22967 Filed 9–9–96; 8:45 am]

BILLING CODE 4310–05–M

Bureau of Land Management

43 CFR Part 2560

RIN 1004–AC90

Alaska Occupancy and Use; Alaska Homestead Settlement

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule removes regulations on Alaska occupancy and use concerning homestead settlements. BLM takes this action because the Federal Government has closed homesteading in Alaska, making the current regulations obsolete.

EFFECTIVE DATE: This rule takes effect October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Bruno, Regulatory Management Team, Bureau of Land Management, 202–452–0352

SUPPLEMENTARY INFORMATION:

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

I. Public Comment Procedures

The existing regulations which this rule would eliminate, 43 CFR subpart 2567, are obsolete and without purpose. The BLM has determined for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, because the regulation that this rule removes contains only obsolete regulatory substance or guidance, as explained below.

II. Background and Discussion of Final Rule

43 CFR subpart 2567 has no substantive purpose. This subpart was written to implement the extension of homestead laws to Alaska by the Act of May 14, 1898 (30 Stat. 409, 43 U.S.C. 270). This Act was repealed by section 703 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq.*, effective in 1986. At this time there are no pending homesteads in Alaska, nor will the Bureau open lands for homesteading in the future. In addition, no appeals from the granting or denying of homestead applications are presently pending. Therefore, 43 CFR subpart 2567 has no continued legal relevance or other effect on the public at large.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that because this final 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 Department Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, the final rule 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

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

Regulatory Flexibility Act

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

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the final 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.

Unfunded Mandates Reform Act

Removal of 43 CFR subpart 2567 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 final rule would not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment (FA).

Executive Order 12630

The final 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 final 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 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 final rule is Frank Bruno, Regulatory Management Team, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone 202/452–0352.

List of Subjects for 43 CFR Part 2560

Alaska, Homesteads, Indians—Lands, Public Lands—Sale, Reporting and Recordkeeping requirements.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2560, group 2500, subchapter B, chapter II of title 43 of the Code of Federal Regulations is amended as set forth below:

PART 2560—ALASKA OCCUPANCY AND USE

1. The authority citation for part 2560 is added to read as follows:

Authority: 43 U.S.C. 1201, 1740.

2. Part 2560 is amended by removing subpart 2567 in its entirety.

Dated: August 27, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–22704 Filed 9–9–96; 8:45 am]

BILLING CODE 4310–84–M

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43 CFR Part 2610

[WO–350–1430–00–24 1A]

RIN 1004–AC80

Carey Act Grants

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 proposes to remove the regulations concerning Carey Act Grants, because the provisions are obsolete. Since 1980 when regulations were issued, only one public land State has applied for a grant of desert lands under the Carey Act.

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: If your 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 WOComment@WO0033wp.wo.blm.gov. Please include ''attn: RIN 1004–AC80'' 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 BLM's Regulatory Management Team office, Room 401, 1620 L St., NW., Washington, D.C., 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. 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. BLM may, but need not consider or include in the Administrative Record for the final rule comments 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**).

II. Discussion of Proposed Rule

Part 2610 of 43 CFR implements Section 4 of the Carey Act, 43 U.S.C. 641 *et seq.* The Act authorizes the Secretary of the Interior, through BLM State Directors, to grant and patent up to one million acres of desert lands to individual States and to grant and patent additional acreage to certain States, to aid these public land States in the reclamation of desert lands, and the settlement, cultivation, and sale of such lands, by small tracts, to actual settlers.

These regulations were issued in 1980 when several of the arid western States indicated a desire to use the provisions of the Act to encourage reclamation of lands that had potential for agricultural production. However, the conditions in the west are such that although some public lands are available with the capability for agricultural production, there is limited or no water that can be allocated for the large projects envisioned by the Act. As a result, to BLM's knowledge there has been only one application since 1980 for a Carey Act grant of desert lands.

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