

Forest Service regulations at 36 CFR Part 254, Subpart A) with only two differences. First, section 2201.1-2 does not include the authorities cited at section 2202.1(a) for the exchange of National Forest System lands, or the statement that proposals for exchange of such lands must be filed with the Forest Service in accordance with 36 CFR Part 254. Secondly, section 2201.1-2 currently applies to "Federal lands," i.e., lands administered by BLM, and not to National Forest System lands. However, BLM proposes to amend this section to apply its provisions to National Forest System lands as well (in harmony with Forest Service regulations at 36 CFR 254.6.) This will insure that the removal of 43 CFR 2202 does not alter any existing rights or obligations. This proposed rule accomplishes that amendment, renders subpart 2202 completely redundant and unnecessary, and removes subpart 2202 from the Code of Federal Regulations.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this proposed rule makes no substantive changes to the Code of Federal Regulations, because it is limited to removing provisions which are found in their entirety elsewhere in Title 43 of the CFR and are therefore wholly unnecessary. Therefore, this change is purely technical in nature and 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. Furthermore, the 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 that 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 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 Act

Congress enacted The Regulatory Flexibility Act of 1980, 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 2202 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's 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.

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 rule is Ted Milesnick, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone: 202-452-7727 (Commercial or FTS).

List of Subjects in 43 CFR Part 2200

National forests; Public lands.

For the reasons stated in the preamble, part 2200, group 2200, subchapter B, chapter II of title 43 of the Code of Federal Regulations is amended as set forth below:

PART 2200—[Amended]

1. The authority citation for part 2200 continues to read as follows:

Authority: 43 U.S.C. 1716, 1740.

2. Section 2201.1-2 is amended to add paragraph (e) to read as follows:

§ 2201.1-2 Segregative effect.

* * * * *

(e) The provisions of this section apply equally to proposals to exchange National Forest System lands under the authority and provisions of the Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, and the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.*, except that if a proposal is made to exchange National Forest System lands, which proposal shall be filed in compliance with 36 CFR part 254, the authorized officer may request that the appropriate BLM State Office segregate such lands by a notation on the public land records.

2. Subpart 2202 is removed in its entirety.

Dated: August 27, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

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Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Public Comment Period on Proposed Endangered Status for Nine Plants From the Grasslands or Mesic Areas of the Central Coast of California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of a public hearing and reopening of the comment period on the proposed endangered status for *Alopecurus aequalis* var. *sonomensis* (Sonoma alopecurus), *Astragalus clarianus* (Clara Hunt's milkvetch), *Carex albida* (white sedge), *Clarkia imbricata* (Vine Hill clarkia), *Lilium pardalinum* ssp. *pitkinense* (Pitkin Marsh lily), *Plagiobothrys strictus* (Calistoga allocarya), *Poa napensis* (Napa bluegrass), *Sidalcea oregana* ssp. *valida* (Kenwood Marsh checkermallow), and *Trifolium amoenum* (showy Indian clover). All parties are invited to comment on this proposal.

DATES: The public hearing will be held from 6 p.m. to 8 p.m. on Thursday, October 3, 1996, in Novato, California. The public comment period, which closed on October 9, 1995, is now reopened upon publication of this document, and will close on October 15, 1996. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held at the Novato Oaks Inn, 215 Alameda del Prado, Novato, California. Written comments and materials concerning this proposal should be sent to the Field Supervisor, Sacramento Field Office, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Comments and materials received, as well as the supporting documentation used in preparing the rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Fuller, Sacramento Field Office (see **ADDRESSES** section) at (916) 979-2120; facsimile (916) 979-2128.

SUPPLEMENTARY INFORMATION:

Background

Alopecurus aequalis var. *sonomensis*, *Astragalus clarianus*, *Carex albida*, *Clarkia imbricata*, *Lilium pardalinum* ssp. *pitkinense*, *Plagiobothrys strictus*, *Poa napensis*, *Sidalcea oregana* ssp. *valida*, and *Trifolium amoenum* are plant species in a variety of habitats, including valley grasslands, meadows, freshwater marshes, seeps, and broad-leaf upland forests in Marin, Napa, and Sonoma Counties on the central coast of California. Habitat loss and degradation, competition from aggressive plant species, elimination through plant community succession, grazing, collection for horticultural use, and hydrological modifications to wetland areas threaten the continued existence of these plants.

On August 2, 1995, the Service published a proposed rule to list *Alopecurus aequalis* var. *sonomensis* (Sonoma alopecurus), *Astragalus clarianus* (Clara Hunt's milkvetch), *Carex albida* (white sedge), *Clarkia imbricata* (Vine Hill clarkia), *Lilium pardalinum* ssp. *pitkinense* (Pitkin Marsh lily), *Plagiobothrys strictus* (Calistoga allocarya), *Poa napensis* (Napa bluegrass), *Sidalcea oregana* ssp. *valida* (Kenwood Marsh checkermallow), and *Trifolium amoenum* (showy Indian clover). Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 et seq.) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. A public hearing request dated August 28, 1995, was received from John Bucher, President of the

Sonoma County Farm Bureau, Sonoma, California. Because a Congressional moratorium on the Service's activities associated with final listing actions was in effect from April 1995 to April 1996, scheduling of the hearing was delayed. The Service has now scheduled a public hearing to be held on Thursday, October 3, 1996, from 6 p.m. to 8 p.m. at the Novato Oaks Inn, 215 Alameda del Prado, Novato, California.

Anyone wishing to make statements for the record should bring a written copy of their statements to the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. Oral and written comments receive equal consideration. The Service places no limits on the length of written comments or materials presented at the hearing or mailed to the Service.

The comment period on the proposal was initially closed on October 9, 1995. To accommodate the hearing, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until October 15, 1996, to the Service office in the **ADDRESSES** section.

Author

The primary authors of this notice are Elizabeth Warne and Ken Fuller (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: September 3, 1996.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

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