

List of Subjects in 40 CFR Part 82

Environmental protection, Aerosols, air pollution control, Chemicals, Chlorofluorocarbons, Hydrochlorofluorocarbons, Labeling, Stratospheric ozone layer.

Dated: October 28, 1996.

Carol M. Browner,
Administrator.

Part 82, chapter I, title 40, of the code of Federal Regulations, is proposed to be amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.154 is amended by revising paragraphs (g) and (h) to read as follows:

§ 82.154 Prohibitions.

* * * * *

(g) No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless:

(1) The class I or class II substance has been reclaimed as defined at § 82.152;

(2) The class I or class II substance was used only in an MVAC or MVAC-like appliance and is to be used only in an MVAC or MVAC-like appliance; or

(3) The class I or class II substance is contained in an appliance that is sold or offered for sale together with the class I or class II substance.

(h) No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless:

(1) The class I or class II substance has been reclaimed by a person who has been certified as a reclaimer pursuant to § 82.164;

(2) The class I or class II substance was used only in an MVAC or MVAC-like appliance and is to be used only in an MVAC or MVAC-like appliance; or

(3) The class I or class II substance is contained in an appliance that is sold or offered for sale together with the class I or class II substance.

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[FR Doc. 96–28095 Filed 10–31–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

[WO–350–1430–00–24 1A]

RIN 1004–AC65

Nonmineral Entries on Mineral Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove the regulations concerning Nonmineral Entries on Mineral Lands, in its entirety. This action is undertaken because this subpart consists of redundant and unnecessary requirements.

DATES: Any comments must be received by BLM at the address below on or before December 2, 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, D.C., or mail comments to the BLM, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, D.C. 20240. Commenters may transmit comments electronically via the Internet to: WOCComment@wo.blm.gov [For Internet, please include “attn: AC65”, 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. Comments will be available for public review at the L Street address during regular business hours, 7:45 a.m. to 4:15 p.m., Monday through Friday, except Holidays.

FOR FURTHER INFORMATION CONTACT: Chris Fontecchio, Regulatory Affairs Group, BLM, at (202) 452–5012.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background and Discussion of Proposal
- 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 this proposed 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

commenter is addressing. Comments should specifically address why any or all of the provisions of subpart 2093 should be deleted. BLM will not necessarily consider or include in the Administrative Record for the final rule, comments which BLM receives after the close of the comment period (see **DATES** above) or comments delivered to an address other than those listed (see **ADDRESSES** above).

II. Background and Discussion of Proposal

These regulations were enacted pursuant to a series of statutes dating back to 1902. Most of subpart 2093 is a review of the various statutory authorities governing nonmineral entries on mineral lands, and the remainder of this subpart sets out BLM procedures for processing claims and other actions under these statutes.

The portions of this subpart which reiterate statutory language are unnecessarily duplicative and can be removed. These portions are found in sections 2093.0–3; 2093.1–1, 2093.1–2; 2093.2–1; 2093.2–2; 2093.3–1; 2093.3–4; 2093.3–5; 2093.4–1; and 2093.5–1.

The remaining sections contain procedures enacted to help BLM to carry out its statutory duties. These sections have become largely obsolete; nonmineral entries on mineral lands are extremely rare and unlikely to become any more widespread, given the scarcity of land on which such entries could be available in the foreseeable future and the repeal of the homestead laws. BLM has not used this subpart in over ten years.

In addition, while BLM cannot determine with certainty that there are no applications pending anywhere in the United States, the few which might remain do not require an extensive, formal procedural program. Rather, BLM can consider each application based on the guidance provided by the applicable statutes. A comment period is provided to give applicants or other interested parties an opportunity to voice any particular concerns that this removal action might raise. Finally, these procedures govern BLM's internal working and are best suited for publication in the BLM Manual.

III. Procedural Matters

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA), and has found that the proposed 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 has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM's Administrative Record at the address specified previously. The BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the "Written Comments" section above, or contact us directly.

Paperwork Reduction Act

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

Regulatory Flexibility Act

BLM has determined under the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, 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 subpart 2093 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 will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism assessment.

Executive Order 12630

The proposed rule is not a government action that interferes 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 proposed rule is H. W. Moritz, BLM, 849 C Street, NW., Washington, D.C. 20240. Telephone: 202-452-0362 (commercial or FTS).

List of Subjects in 43 CFR Part 2090

Airports; Alaska; Coal; Grazing lands; Indians-lands, Land Management Bureau; Public lands; Public lands-classification; Public lands-mineral resources; Public lands-withdrawal; Seashores; Veterans.

For the reasons set forth in the preamble and under the authorities contained within 43 U.S.C. 1740, subpart 2093 of part 2090, group 2000, subchapter B, chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 2090—SPECIAL LAWS AND RULES

1. The authority citation for Part 2090 is revised to read as follows:

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

PART 2090—[AMENDED]

2. Part 2090 is amended by removing subpart 2093.

Dated: October 21, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96-27580 Filed 10-31-96; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 4300

[WO-420-1050-00-24]

RIN 1004-AC70

Grazing Administration; Alaska Reindeer

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management ("BLM") proposes to revise the regulations at 43 CFR 4300, which provide for the administration of permits for grazing reindeer in Alaska. Part 4300 explains to the public how to apply for permits and what a permit entitles a person to do. BLM proposes to translate the current part 4300 regulations into plain English and with few exceptions, would not change the substance of the regulations.

DATES: Comments: Submit comments by December 2, 1996. BLM will consider comments received or postmarked on or before this date.

ADDRESSES: *Comments:* You may hand-deliver your 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 may transmit comments electronically via the Internet to: WOCComment@WO0033wp.wo.blm.gov. Please include "Attn: AC70" and 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.

FOR FURTHER INFORMATION CONTACT:

Olivia Short, (202) 452-0345 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

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

I. Public Comment Procedures

Written Comments

Your written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, you should reference the specific section or paragraph of the proposal that you are addressing.

II. Background

The current part 4300 regulations were written in order to carry into effect