

PP Ammonium Sulfate Manufacturing  
 QQ Graphic Arts-Rotogravure Printing  
 RR Tape and Label Surface Coatings  
 SS Surface Coating: Large Appliances  
 TT Metal Coil Surface Coating  
 UU Asphalt Processing Roofing  
 VV Equipment Leaks of VOC in  
 SOCM I  
 WW Beverage Can Surface Coating  
 XX Bulk Gasoline Terminals  
 BBB Rubber Tire Manufacturing  
 DDD VOC Emissions From Polymer  
 Manufacturing Industry  
 FFF Flexible Vinyl and Urethan  
 Coating and Printing  
 GGG Equipment Leaks of VOC in  
 Petroleum Refineries  
 HHH Synthetic Fiber Production  
 III VOC From SOCM I Air Oxidation  
 Unit  
 JJJ Petroleum Dry Cleaners  
 NNN VOC From SOCM I Distillation  
 OOO Nonmetallic Mineral Plants  
 PPP Wool Fiberglass Insulation  
 QQQ VOC From Petroleum Refinery  
 Wastewater Systems  
 SSS Magnetic Tape Coating  
 TTT Surface Coating of Plastic Parts  
 for Business Machines  
 UUU Calciners & Dryers in the Mineral  
 Industry  
 VVV Polymeric Coating of Supporting  
 Substrates

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**43 CFR Parts 2200, 2210, 2240, 2250,  
 and 2270**

[WO-420-1800-00-24 1A]

RIN 1004-AC58

**Exchanges: General Procedures; State  
 Exchanges; National Park Exchanges;  
 Wildlife Refuge Exchanges;  
 Miscellaneous Exchanges**

**AGENCY:** Bureau of Land Management,  
 Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to streamline its exchange regulations at 43 CFR group 2200 by amending § 2200.0-7 of part 2200 and by removing parts 2210, 2240, 2250, and 2270. Section 2200.0-7 would be rewritten to state clearly that, apart from the Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701 *et seq.* (FLPMA), other statutes exist which govern site- and type-specific land exchanges that may involve BLM-

managed lands or interests in lands. If BLM lands or interests are involved, these other statutes will prevail over the regulations in part 2200 where they conflict with those regulations. BLM also would simultaneously remove parts 2210, 2240, 2250, and 2270 because the regulations in those parts largely restate the substance of the exchange statutes referenced in them and are, in that respect, redundant and unnecessary.

**DATES:** Any comments must be received by BLM at the address below on or before January 6, 1997. 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 (630), 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@Wo.blm.gov. Please include "attn: RIN AC58" in your message. If you do not receive a confirmation from the system that we have received your internet message, contact us directly at (202) 452-5030. You will be able to review comments at BLM's Regulatory Affairs Group office, Room 401, 1620 L Street, NW., Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Chris Fontecchio, Bureau of Land Management, Regulatory Affairs Group, at (202) 452-5012.

#### 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 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. BLM may 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**) or comments delivered to an address

other than those listed above (see **ADDRESSES**).

#### II. Background and Discussion of Proposed Rule

Land exchanges involving BLM lands and interest in lands are generally governed by FLPMA and the rules at 43 CFR part 2200. However, various other statutes authorize certain site- and type-specific land exchanges that may involve BLM lands or interests in lands. These statutes may not be fully consistent with the exchange requirements of FLPMA or with BLM's exchange regulations in part 2200. When these inconsistencies occur, the site- or type-specific statute is intended to prevail over the part 2200 regulations. Provisions currently found at 43 CFR parts 2210, 2240, 2250, and 2270 reiterate some of these site- and type-specific statutory commands.

However, in light of the regulatory reform initiative's goals of streamlining the Code of Federal Regulations (CFR), the proposed rule would remove these parts which merely restate statutory terms and would amend section 2200.0-7 to advise the public that other statutes governing certain site- and type-specific exchanges will preempt the general exchange regulations at part 2200, to the extent that they conflict. This can be accomplished without significantly affecting the rights of the United States, BLM's customers, or the public at large.

The parts which would be removed, 43 CFR parts 2210, 2240, 2250, and 2270, are almost entirely devoted to repeating statutory provisions. To the extent that they are duplicative, these regulations serve only to provide information that can be found in the statutes themselves. Furthermore, the only provisions in these parts which go beyond the statutes are provisions which can and should be removed.

For example, removing section 2240.0-3(f) would delete: (1) The requirement that States, political subdivisions thereof, or any interested party who requests public hearings to consider an exchange do so in writing; and (2) the definitions of *National Park System* and *miscellaneous areas*. These provisions constitute substance beyond that already contained in the Act of July 15, 1968, 16 U.S.C. 4601-22. However, BLM has determined that deleting these provisions will not meaningfully alter its administration of the Act's exchange provisions or significantly affect the rights of the United States or the public. BLM believes the benefits of streamlining and deleting unnecessary material such as part 2240 outweigh the impact of these minor substantive changes.

Next, removing part 2250 would eliminate regulatory language stating that lands eligible for exchange under the Act of August 22, 1957, 16 U.S.C. 696, include federally owned property in Florida classified by the Secretary as suitable for exchange or disposal. In fact, the statute requires that lands be "federally owned property in the State of Florida under [the Secretary of the Interior's] jurisdiction\* \* \*." Therefore, any suggestion by the existing 43 CFR 2250.0-3(c) that the land need only be Federal land in Florida, regardless of the Secretary's jurisdiction, contradicts the law. Removing part 2250 would eliminate this confusion and would delete otherwise unnecessary language.

Similarly, removing part 2270 would eliminate a few minor inconsistencies with the governing statutes, but in each case BLM's intention is that these deletions would not have any substantive effect. For example, section 2271.0-3(a) adds the word "approximately" to the requirement that exchanges of Indian Reservation land under the Act of April 21, 1904, 43 U.S.C. 149, must be "equal" in area and value. In this particular statutory context, BLM has generally interpreted the word "equal" to mean "approximately equal" to allow the exchanging parties some flexibility in making the exchange as close to equal as is reasonably possible, without risking failure over negligible differences. Although removing part 2270 will eliminate this interpretation from the CFRs, BLM advises that it will continue to interpret the term "equal" in this way. BLM also advises that eliminating part 2270 will cause several other minor changes, but none that involve any significant substance.

To sum up, BLM believes that there are no variances between the statute and the regulations being removed which are significant enough to justify continued publication of these otherwise redundant and unnecessary regulations. Consequently, BLM believes that the proposed rule can be implemented without materially affecting the rights and duties of the United States or the rights of the public at large, as is the intent.

Finally, please note that BLM is proposing to delete 43 CFR subpart 2202 in a separate rulemaking. Subpart 2202 is concerned with proposals relating to National Forest land exchanges administered by the Secretary of Agriculture through the Forest Service.

### 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 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 BLM directly.

#### *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 proposed 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 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.

#### *Unfunded Mandates Reform Act*

Revising 43 CFR 2200.0-7 and removing parts 2210, 2240, 2250, and 2270 will not result in any unfunded mandate to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year.

#### *Executive Order 12612*

The proposed rule will not have a 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 does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically excludes 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 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 12988*

It has been 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 Christopher D. Fontecchio, Regulatory Affairs Group, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 452-5012.

#### List of Subjects

##### *43 CFR Part 2200*

Land Management Bureau; National forests; Public lands.

##### *43 CFR Part 2210*

Land Management Bureau; Public lands.

##### *43 CFR Part 2240*

Land Management Bureau; National parks; Recreation and recreation areas; Seashores.

##### *43 CFR Part 2250*

Land Management Bureau; Wildlife refuges.

##### *43 CFR Part 2270*

Indians-lands; Land Management Bureau; National trails system; National wild and scenic rivers system; Public lands.

Dated: November 27, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, parts 2200, 2210, 2240, 2250, and 2270, subchapter B, chapter II of Title 43 of the Code of Federal Regulations are proposed to be amended as set forth below:

1. The authority for part 2200 is revised to read as follows:

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

**§ 2200.0-7 [Amended]**

2. Section 2200.0-7 is amended by revising paragraph (b) to read as follows:

\* \* \* \* \*

(b) The rules contained in this part apply to all exchanges, made under the authority of the Secretary, involving Federal lands, as defined in 43 CFR 2200.0-5(i). Apart from the Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701 *et seq.* (FLPMA), there are a variety of statutes, administered by the Secretary, that authorize trades which may include Federal lands, as for example, certain National Wildlife Refuge System and National Park System exchange acts. The procedures and requirements associated with or imposed by any one of these other statutes may not be entirely consistent with the rules in this part, as the rules in this part are intended to implement the FLPMA exchange provisions. If there is any such inconsistency, and if Federal lands are involved, the inconsistent procedures or statutory requirements will prevail. Otherwise, the regulations in this part will be followed. The regulations in this part also apply to the exchange of interests in either Federal or non-

Federal lands including, but not limited to, minerals, water rights, and timber.

**PARTS 2210, 2240, 2250, 2270— [REMOVED]**

3. Parts 2210, 2240, 2250, and 2270 are removed in their entirety.

[FR Doc. 96-31098 Filed 12-5-96; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 96-239, RM-8939]

**Radio Broadcasting Services; Harrietta, MI**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Melinda Hancock proposing the allotment of Channel 229A to Harrietta, Michigan, as that community's first local service. Canadian concurrence will be requested for this allotment at coordinates 44-16-38 and 85-41-55. There is a site restriction 3.6 kilometers (2.3 miles) south of the community. The site is in the Manistee National Forest.

**DATES:** Comments must be filed on or before January 21, 1997, and reply comments on or before February 5, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Melinda Hancock, 2243 Haslett Road, East Lansing, Michigan 48823.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 96-239, adopted November 22, 1996, and released November 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.  
Federal Communications Commission.  
John A. Karousos,  
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.  
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