

approval of Alabama's hazardous waste program referenced in today's document will result in annual costs of \$100 million or more. EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual Federal and State compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved State Hazardous Waste Program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to the program, these same small governments will be able to own and operate their TSDFs under the approved State program, in lieu of the Federal program.

#### **IV. Certification Under the Regulatory Flexibility Act**

EPA has determined that this authorization will not have significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the State requirements authorized by EPA under 40 CFR part 271. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory

requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This, rule, therefore, does not require a regulatory flexibility analysis.

#### **V. Submission to Congress and the General Accounting Office**

Under 5 U.S.C. 801 (a) (1) (A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This document is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

**Phyllis P. Hall,**

*Acting Regional Administrator.*

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### **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:** Final rule.

**SUMMARY:** This rule removes the regulations on sales and grants of land in reclamation townsites for reclamation projects and school purposes. The Bureau of Land Management (BLM) is removing these regulations because they consist of outdated material and restatements of statutory language. Consequently, the regulations are unnecessary and can be removed without any significant effect.

**EFFECTIVE DATE:** December 22, 1997.

**ADDRESSES:** You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street, N.W., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Jeff Holdren, Bureau of Land Management, Lands and Realty Group, (202) 452-7779.

#### **SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Final Rule as Adopted
- III. Responses to Comments
- IV. Procedural Matters

#### **I. Background**

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

The final rule published today is a stage of a rulemaking process that will conclude in the removal of the regulations in 43 CFR part 2760. This rule finalizes a proposed rule that was published on October 3, 1996, in the **Federal Register** at 61 FR 51666. The rule provided for a comment period of 60 days, and BLM received no comments from the public.

#### **II. Final Rule as Adopted**

This rule will remove the regulations at 43 CFR part 2760 in their entirety. 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 merely inform the public of the role assumed by the Bureau of Reclamation in this program. The regulations are redundant because they repeat language in 43 U.S.C. 564, and for this reason, these two sections have no substantive effect. The remaining sections of subpart 2764 are direct restatements 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 because it directs municipal corporations to comply with 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. BLM is removing 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 will 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 6-acre limit and 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. Responses to Comments

BLM received no comments from the public, and is therefore adopting the proposed rule without changes.

### IV. 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 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 final 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 (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 final rule would not have a significant economic impact on substantial number of small entities. As discussed above, the rule merely removes unnecessary regulations and causes no change in status or rights of any 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 million or more in any one year.

#### *Executive Order 12612*

The final 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 final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### *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 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 final 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 Erica Petacchi, Regulatory Management Group, Bureau of Land Management, 401LS, 1849 C Street, NW, Washington, DC 20240; Telephone (202) 452-5084.

#### **List of Subjects for 43 CFR Part 2760**

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 removed.

Dated: November 4, 1997.

**Sylvia V. Baca,**

*Deputy Assistant Secretary, Land and Minerals Management.*

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## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 64**

[Docket No. FEMA-7677]

#### **List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW.,