

Administration (under 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA will act on the State's transportation conformity SIP under a separate Federal Register document.

In the Final Rules Section of this Federal Register, the EPA is approving this General Conformity SIP revision as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in providing comments on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing, postmarked by October 15, 1996. If no adverse comments are received, then the direct final rule will be effective on November 12, 1996.

**ADDRESSES:** Comments should be mailed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address below. Copies of the State's General Conformity SIP and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day:

Air Planning Section (6PDL),  
Multimedia Planning and Permitting  
Division, Environmental Protection  
Agency, Region 6, 1445 Ross Avenue,  
Dallas, Texas 75202, Telephone: (214)  
665-7214.

Air and Radiation Docket and  
Information Center, Environmental  
Protection Agency, 401 M Street,  
S.W., Washington, D.C. 20460.

Air Quality Division, Louisiana  
Department of Environmental Quality,  
7290 Bluebonnet Boulevard, Baton  
Rouge, Louisiana 70810, Telephone:  
(504) 765-0219.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final rule which is located in the Rules Section of this Federal Register.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: July 24, 1996.

Allyn M. Davis,

*Acting Regional Administrator.*

[FR Doc. 96-23265 Filed 9-12-96; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 2780

[WO-RIN 1004-AC53]

#### Special Areas: State Irrigation Districts

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

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to remove regulations concerning the establishment and operation of state irrigation districts, from the Code of Federal Regulations. BLM believes these regulations are obsolete because there is only one record in BLM of their use in the last 40 years.

**DATES:** Any comments must be received by BLM at the address below on or before November 12, 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 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@WO0033wp.wo.blm.gov.

Please include "attn: RIN 1004-AC53" 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., N.W., 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. 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 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 comment addresses. BLM may not necessarily consider or include in the Administrative Record for the 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

This proposed rule will remove 43 CFR part 2780, Special Areas: State Irrigation Districts, from the Code of Federal Regulations. The regulations in part 2780 implement the Act of August 11, 1916 entitled "An Act to Promote the Reclamation of Arid Lands," 43 U.S.C. 621 et seq. Part 2780 was originally issued as Circular Number 592 on March 6, 1918, and has existed in similar form since modified in 1922 to accommodate amendments to the Act. These regulations describe the procedures a state irrigation district uses to apply for secretarial approval of an irrigation plan. If an application is approved, all unentered public lands within the state irrigation district, and entered lands for which no certificate has been issued, are subject to the same provisions of State law relating to the reclamation of arid lands for agricultural purposes as those which apply to private lands within the district. Such lands are subject to a lien for all taxes and assessments lawfully levied by the district on unpatented land. The district also has the right to sell land that was

entered at the time of a tax levy for nonpayment of tax.

We have only one record at BLM of any activity in this program during the last 40 years, occurring in 1971. We accessed our online case recordation system and found no other record of any recent case activity. We also searched a legal data base and found that the last time the statute or implementing regulation was cited in a reported civil case was in 1948. The program's inactivity and absence of civil case citations indicate that this regulation may be obsolete. Furthermore, we believe that the regulations are impractical to administer due to the scarcity of water in public land states for agricultural purposes. For these reasons, we believe that continued publication of 43 CFR part 2780 is unnecessary and contrary to the public interest.

### 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 us 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 proposed 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 part 2780 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 preparation of a Federalism Assessment (FA).

#### *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 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*

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 Jeff Holdren, Realty Use Group, assisted by Ian Senio, Regulatory Management Team, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240; Telephone 202/452-7779.

#### List of Subjects for 43 CFR Part 2780

Irrigation, Public lands—sale, Reclamation.

For the reasons stated in the preamble, and under the authority of 43

U.S.C. 1740, part 2780 of group 2700, subchapter B, chapter II of title 43 of the Code of Federal Regulations is removed.

Dated: September 4, 1996.

Sylvia V. Baca,

*Deputy Assistant Secretary of the Interior.*

[FR Doc. 96-23332 Filed 9-12-96; 8:45 am]

BILLING CODE 4310-84-P

### 43 CFR Part 5510

[WO-350-1430-00 24 1A]

RIN 1004-AC92

#### **Use by Settlers and Homesteaders of Timber on Their Pending Claims and Free Use of Timber Upon Oil and Gas Leases**

**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 regulations which govern the free use of timber on public lands and upon oil and gas leases because they are obsolete and have not been used in many years.

**DATES:** Submit comments by October 15, 1996. BLM may, but need not, consider comments received or postmarked after this date in preparing the final rule.

**ADDRESSES:** Comments 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, 1949 C Street, NW, Washington, DC 20240.

Commenters may transmit comments electronically via the Internet to: WOComment@WO0033wp.wo.blm.gov. [For internet, please include "Attn: AC92", your name, and return address in your message.]

Comments will be available for public review at the L Street address during regular business hours from 7:45 a.m. to 4:15 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Jeff Holdren, (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