

(c) Surcharge for late renewal of
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§ 2.53 [Removed]

3. Section 2.53 is removed.

§ 2.189 [Removed]

4. Section 2.189 is and the
undesignated center heading
"Amendment of Rules" are removed.

Dated: September 10, 1996.

Bruce A. Lehman,

*Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.*

[FR Doc. 96-23666 Filed 9-16-96; 8:45 am]

BILLING CODE 3510-16-P

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[IA-005-1005; FRL-5611-3]

**Approval and Promulgation of
Implementation Plans and Approval
Under Section 112(1); State of Iowa**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of reopening public
comment period.

SUMMARY: The EPA is providing notice
that the public comment period for a
notice of proposed rulemaking
published July 29, 1996 (61 FR 39375),
has been reopened until October 17,
1996. The July 29, 1996, action proposes
to adopt certain revisions submitted by
the state of Iowa to meet requirements
of the Clean Air Act, and improve the
state's permitting program and air
quality. Comments on the proposal were
due by August 28, 1996.

A number of persons have indicated
that they desire more time to adequately
address the issues contained in the
proposed rule. The EPA has determined
that additional time for comment is
appropriate and is therefore reopening
the comment period.

DATES: Comments are now due on or
before October 17, 1996.

ADDRESSES: Comments may be mailed to
Christopher D. Hess, Environmental
Protection Agency, Air Planning and
Development Branch, 726 Minnesota
Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT:
Christopher D. Hess at (913) 551-7213.

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

Dated: September 9, 1996.

William Rice,

Acting Regional Administrator.

[FR Doc. 96-23790 Filed 9-16-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 36

RIN 1093-AA07

**Transportation and Utility Systems In
and Across, and Access Into,
Conservation System Units in Alaska**

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would
revise and simplify the regulatory
definition of the term "economically
feasible and prudent alternative route"
as used in the review of proposed
transportation and utility systems in
Alaska under Title XI of the Alaska
National Interest Lands Conservation
Act (ANILCA).

DATES: Comments are requested by
November 18, 1996.

ADDRESSES: Comments on the proposed
regulations should be addressed to:
Field Director, Alaska Field Office,
National Park Service, 2525 Gambell
Street, Room 107, Anchorage, AK
99503-2892.

FOR FURTHER INFORMATION CONTACT:
David A. Funk, Alaska Field Office,
National Park Service, 2525 Gambell
Street, Room 107, Anchorage, AK
99503-2892. Phone: (907) 257-2589.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1980, the Alaska
National Interest Lands Conservation
Act (ANILCA) was signed into law as
Public Law 96-487 (94 Stat. 2371, 16
U.S.C. 3101, et seq.). Title XI of
ANILCA, which is entitled
"Transportation and Utility Systems in
and across, and Access into,
Conservation System Units,"
established guidelines and procedures
for submitting and processing
applications for transportation and
utility systems (TUS) in Alaska when
any portion of the route of the system
will be within any conservation system
unit, national recreation area, or
national conservation area. In addition,
Title XI authorizes special access,
temporary access, and access to
inholdings.

On July 15, 1983, the Department of
the Interior (Department) proposed
comprehensive regulations to
implement ANILCA Title XI on lands in
Alaska under the jurisdiction of the
National Park Service (NPS), U.S. Fish
and Wildlife Service (FWS), and the
Bureau of Land Management (BLM) (48
FR 32506). On September 4, 1986, the

Department published final Title XI
regulations (51 FR 31619).

In early 1987, the Trustees for Alaska
and other groups (Trustees) sued the
Department to challenge the Title XI
regulations as exceeding the authority
granted to the Department by ANILCA.
Parties intervening in the case included
Arctic Slope Regional Council, the
Alaska Miners Association, the Alaska
Forest Association, and the Resource
Development Council for Alaska, Inc.
(The State of Alaska's Motion to
Intervene on appeal is pending.) In
Orders dated April 29, 1991, and March
16, 1993, the U.S. District Court for the
District of Alaska granted summary
judgment to the Department. The
Trustees appealed the lower court's
decision to the U.S. Court of Appeals for
the Ninth Circuit, which assigned the
case to the Chief Circuit Mediator to
explore whether possible revision of the
Title XI regulations, then under
consideration by the Department of the
Interior, might provide a basis for
settlement. Based on all the parties' oral
stipulation of agreement, and with the
State of Alaska's concurrence, the Chief
Circuit Mediator entered a court order
on August 30, 1996, dismissing the
litigation on the basis of the
Department's proposal of a single
regulatory revision to the existing Title
XI regulations. If, after consideration of
comments received in response to
today's proposed rulemaking, the
Department decides to promulgate a
final rule based on the language of the
proposed rule, the Ninth Circuit Court
will dismiss the Title XI appeal with
prejudice.

The Department is today proposing
one revision to the 1986 regulations in
order to improve the regulations'
workability and reduce the
opportunities for delays in decision-
making. The decision to propose this
one revision follows substantial review
and discussion with interested parties
both within and outside the
Department. Based on these discussions
and the August 30, 1996 Court Order
entered by the Ninth Circuit's Chief
Mediator, the Department is hopeful
that this rulemaking process will result
in settlement of the longstanding
litigation.

The Department is not proposing any
other revisions of the Title XI
regulations. Thus, for example, the 1986
regulations implementing the Title XI
provisions concerning access to
inholdings, special access, and
temporary access remain intact. Also,
the Department is not proposing any
changes to the regulatory provisions
governing access to subsistence
resources under Title VIII of ANILCA

(see 36 CFR § 13.46 (NPS) and 50 CFR § 36.12 (FWS)). Finally, this rulemaking does not concern recognition and management of R.S. 2477 rights-of-way.

Section-by-Section Analysis

Section 36.2 Definitions

As a general matter, ANILCA Title XI establishes the following criteria for approval of a transportation or utility system across a conservation system unit, national conservation area, or national recreation area in Alaska: (1) The proposed transportation or utility system must be "compatible with the purposes for which the unit was established," and (2) there must be no "economically feasible and prudent alternative route for the system." This rulemaking proposes to revise the regulatory definition of the term "economically feasible and prudent alternative route" in the second criterion by replacing the complex definition promulgated in 1986 with the simpler definition originally proposed in 1983.

The existing definition promulgated in 1986 reads as follows:

"*Economically feasible and prudent alternate route*" means an alternate route must meet the requirements for being both economically feasible and prudent. To be economically feasible, the alternate route must be able to attract capital to finance its construction and an alternate route will be considered to be prudent only if the difference of its benefits minus its costs is equal to or greater than that of the benefits of the proposed transportation or utility system minus its costs.

The revised definition which the Department is proposing today is the same as the definition originally proposed in 1983 (48 FR 32506), as follows:

"*Economically feasible and prudent alternative route*" means a route either within or outside an area that is based on sound engineering practices and is economically practicable but does not necessarily mean the least costly alternative route.

The proposed definition is simpler and more straightforward than the elaborate formula which was added in the final 1986 regulations. The proposed definition includes the economic considerations mentioned in the legislative history, but avoids the complex and potentially misleading quantitative analysis required by the 1986 definition. The proposed definition avoids the opportunities for delay and controversy inherent in the 1986 definition. Finally, the proposed definition is more likely to facilitate

decisions consistent with the statutory preference for routing a TUS outside a conservation system unit, national recreation area, or national conservation area expressed in ANILCA section 1104(g)(2)(B). A technical correction to this definition replaces the term "alternate route" with the analogous, statutorily used term, "alternative route."

Public Participation

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this rulemaking document to the address noted at the beginning of this rulemaking.

Drafting Information

The primary authors of this proposal are David A. Funk and Russel J. Wilson of the Alaska Regional Office, National Park Service, and Molly N. Ross, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C.

Paperwork Reduction Act

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Compliance With Other Laws

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities, nor does it require a preparation of a regulatory analysis.

The rule has been reviewed under Executive Order 12866.

The Department has determined this rule is categorically excluded from the procedural requirements of the National Environmental Policy Act pursuant to 516 DM 2, Appendix 1.5. The action was previously covered by an Environmental Assessment and a Finding of No Significant Impact. None of the exceptions to the categorical exclusions in 516 DM 2, Appendix 2, applies.

List Of Subjects in 43 CFR Part 36

Access, Alaska, Conservation system units, National parks, Rights-of-way, Traffic regulation, Transportation, Utilities, Wildlife refuges.

Accordingly, 43 CFR Part 36 is proposed to be amended as set forth below:

PART 36—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS IN ALASKA

1. The authority section for part 36 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 668dd *et seq.*, and 3101 *et seq.*; 43 U.S.C. 1201.

2. Section 36.2 is amended by revising paragraph (h) to read as follows:

§ 36.2 Definitions.

* * * * *

(h) *Economically feasible and prudent alternative route* means a route either within or outside an area that is based on sound engineering practices and is economically practicable but does not necessarily mean the least costly alternative route.

* * * * *

Dated: September 11, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

Dated: September 11, 1996.

Bob Armstrong,
Assistant Secretary for Land and Minerals Management.

[FR Doc. 96-23775 Filed 9-16-96; 8:45 am]

BILLING CODE 4310-70-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 92-105; DA 96-1500]

Pleading Cycle Established for Request of the United States Department of Justice That 311 be Reserved for Use by Communities for Non-Emergency Police Telephone Calls

September 10, 1996.

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: On September 10, 1996 the Commission released a public notice inviting comment on a request by the United States Department of Justice's Office of Community Oriented Policing Services that an N11 code, specifically 311, be reserved on a national basis for use by communities for non-emergency police telephone calls. The intended effect of this action is to solicit comments from the public on the request.

DATES: Comments should be Filed by October 10, 1996.