

information specifically related to EPA's certification rulemaking.

With today's document, the Agency announces its intention to commence a public rulemaking to certify whether the WIPP facility complies with the disposal regulations. On October 29, 1996, DOE submitted an application for certification of compliance to EPA. A copy of the application is available for inspection in EPA's public dockets described below. The Agency's comments on draft versions of the compliance certification application are also available in public dockets. The EPA will evaluate the complete application in determining whether the WIPP complies with the radiation protection standards for disposal. In addition, EPA will consider public comment and other information relevant to WIPP's compliance. EPA requests comment on all aspects of the DOE's application.

EPA will make a determination in the near future as to the completeness of the application, as a preliminary step in its more extensive technical review of the application. The EPA may request additional information as necessary from DOE to ensure the completeness of the compliance application. EPA will provide DOE with written notification of its completeness determination. All correspondence between EPA and DOE regarding the completeness of the compliance application will be placed in the public dockets.

EPA will make a final decision certifying whether the WIPP facility meets the disposal regulations after several additional regulatory steps, including technical analysis of the application, issuing a notice of proposed rulemaking in the Federal Register, providing additional opportunity for public comment, holding public hearings in New Mexico, analyzing public comment, and issuing a final rule in the Federal Register that is accompanied by a document summarizing and addressing significant comments. This "response to comments" document will be available in the public dockets.

Additional Docket Information

The Agency is currently maintaining the following public information dockets: (1) Docket No. A-93-02, located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460 (open from 8:00 a.m. to 4:00 p.m. on weekdays); (2) EPA's docket in the Government Publications Department of the Zimmerman Library of the University of

New Mexico located in Albuquerque, New Mexico, (open from 8:00 a.m. to 9:00 p.m. on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, and 1:00 p.m. to 9:00 p.m. on Sunday); (3) EPA's docket in the Fogelson Library of the College of Santa Fe in Santa Fe, New Mexico, located at 1600 St. Michaels Drive (open from 8:00 a.m. to 12:00 midnight on Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, 9:00 a.m. to 5:00 p.m. on Saturday, 1:00 p.m. to 9:00 p.m. on Sunday); and (4) EPA's docket in the Municipal Library of Carlsbad, New Mexico, located at 101 S. Halegueno (open from 10:00 a.m. to 9:00 p.m. on Monday through Thursday, 10:00 a.m. to 6:00 p.m. on Friday and Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday). As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

List of Subjects in 40 CFR Part 194

Environmental protection, Administrative practice and procedure, Nuclear materials, Plutonium, Radiation protection, Radionuclides, Transuranics, Uranium, Waste treatment and disposal.

Dated: November 5, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96-29352 Filed 11-14-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2620

[WO-130-1820-00-24 1A]

RIN 1004-AC71

State Grants—Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove the regulations at 43 CFR subpart 2627 addressing grants made to the State of Alaska. This subpart restates statutory requirements and explains how the State of Alaska files selection applications under the Alaska Statehood Act and the Act of January 21, 1929 (University Grant). BLM is proposing to remove 43 CFR 2627 because its provisions are outdated and not necessary for program implementation.

DATES: *Comments:* Commenters must submit comments by January 14, 1997. BLM will consider comments received

or postmarked on or before this date in the preparation of the final rule.

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@wo.blm.gov. Please include "attn: AC71" and your name and address in your message. If you do not receive a conformation from the system that we have received your Internet message, contact us directly.

FOR FURTHER INFORMATION CONTACT: Erica Petacchi, Regulatory Management Group, Bureau of Land Management, at (202) 452-5084.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background and Discussion of 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 Rule

BLM proposes to remove 43 CFR 2627 because its provisions are no longer necessary or useful, specifically:

1. A substantial portion of these regulations explain requirements the State must follow when filing applications for land under the Alaska Statehood Act. The time period for filing new applications under the Alaska Statehood Act expired on January 3, 1994;

2. A substantial portion of these regulations simply restate the provisions of the Alaska Statehood Act. Congress changed many provisions of the Alaska Statehood Act in Section 906(e) of the Alaska National Interest Lands Conservation Act, but the regulations were never revised to reflect those changes;

3. The Alaska Statehood Act, as modified by the Alaska National Interest Lands Conservation Act, contains sufficient detail for processing State selection applications; and

4. The BLM's land transfer processes, including land transfers to the State of Alaska, are being reviewed by a National Reinvention Laboratory for the purpose of increasing efficiency and improving customer service. New procedures will be written if the Laboratory concludes there is a need for significant change in the way BLM processes State selection applications.

The removal of the regulations would not be retroactive, and BLM would replace the current regulations with a statement that:

(a) BLM will process applications filed by the State of Alaska under the Alaska Statehood Act according to the regulations in existence at the time of filing; and

(b) BLM will process applications filed by the State of Alaska under the Act of January 21, 1929, according to the regulations in existence at the time of filing, unless the State and BLM enter into a subsequent exchange or agreement.

Also unaffected by the proposed removal of subpart 2627 are the three sets of regulations referred to in current subpart 2627: 43 CFR 2620; 43 CFR 2094; and 43 CFR 1824.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this rule, which proposes to remove the obsolete regulations at 43 CFR Part 2627, is a purely technical action. Therefore, 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 I, Item 1.10, and that the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusion 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 that 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 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.*

Regulatory Flexibility Act

BLM has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule proposes to remove obsolete regulations concerning land selections by the State of Alaska. There are no small entities affected by the proposed rule.

Unfunded Mandates Reform Act

Removal of 43 CFR part 2627 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

This rule would not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment.

Executive Order 12630

This rule does not represent 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 this 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 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 Olivia Short, Bureau of Land Management, Regulatory Management Team, 1849 C Street

N.W., Washington, D.C. 20240; Telephone: (202) 452-0345 (Commercial or FTS).

List of Subjects in 43 CFR Part 2620

Land Management Bureau; State Grants, Alaska; Public lands.

For the reasons stated above, and under the authority of 43 U.S.C. 1740, part 2620, Group 2600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 2620—STATE GRANTS— [AMENDED]

1. The authority citation for part 2620 continues to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201.

2. Subpart 2627 is revised to read as follows:

Subpart 2627—Alaska

§ 2627.1 The Bureau of Land Management will process applications filed by the State of Alaska under the Alaska Statehood Act according to the regulations in existence at the time of filing. The Bureau of Land Management will process applications filed by the State of Alaska under the Act of January 21, 1929, according to the regulations in existence at the time of filing, unless the State and the Bureau of Land Management enter into a subsequent exchange or agreement.

[See Code of Federal Regulations (CFR) for 43 CFR Chapter II, revised as of October 1, 1995.]

Dated: November 7, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96-29307 Filed 11-14-96; 8:45 am]

BILLING CODE 4310-84-P

43 CFR Part 5040

[WO-130-1820-0024 1A]

RIN 1004-AC93

Sustained-Yield Forest Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend 43 CFR 5040 to remove obsolete or unnecessary sections and update the remaining regulations that are still necessary for the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon (referred to in this proposed rule as O. and C. lands). Subpart 5042, concerning master units, an administrative subdivision of the O. and C. lands established in 1946 and 1947 to facilitate the establishment