the Agency's generic certification for tolerance acations published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. 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, the Agency has 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 this rule in today's **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 1, 1997.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority : 21 U.S.C. 346a and 371.

2. In § 180.275, by adding a heading to paragraph (a); by redesignating paragraph (b) as paragraph (c) and adding a heading; by adding new paragraph (b); and by adding and reserving paragraph (d) with a heading to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

(a) *General* . * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for chlorothalonil and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile (expresed as chlorothalonil) in connection with use of the pesticide under the section 18 emergency exemptions granted by EPA. The tolerances will expire and are revoked on the dates specified in the following table:

Commodity	Parts per million	Expiration/revocation date
Ginseng	0.10	12/31/98

(c) *Tolerances with regional registrations.* * * *

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97–32548 Filed 12–11–97; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3740, 3810, and 3820

[WO–340–1220–00–24 1A]

RIN 1004–AD05

Multiple Use, Mining; Mining Claims Under the General Mining Laws

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is removing several obsolete or unnecessary regulations, and revising regulations concerning mining on Papago Indian Reservation lands. The regulations BLM is removing concern certain programs under the Multiple Minerals Development Act: claimant's rights; opening of Helium reserves to mining location and mineral leasing; and regulations under the statute entitled ''Mining Rights in Prescott National Forest'' concerning mining in the watershed of the city of Prescott, Arizona. Each of the regulations being removed is unnecessary or obsolete, either because it describes programs which no longer exist or because it contains requirements already achieved by statutes or other applicable regulations. Removing these items will have no impact on BLM customers or the public at large.

EFFECTIVE DATE: January 12, 1998.

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: Roger Haskins, Bureau of Land Management, Solid Minerals Group, 1849 C Street, N.W., Washington, DC 20240; Telephone: 202–452–0355.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion of Final Rule as Adopted

The regulations that are being removed are obsolete and unnecessary, and therefore can be eliminated without negative consequences.

Subpart 3744 concerns the rights of leasable minerals mining claimants. These rights are derived from the Multiple Mineral Development Act, 30 U.S.C. 521 *et seq.* (the Leasing Act). However, rather than implementing or interpreting the Act, subpart 3744 merely quotes Sections 7(d) and 8 of the Act, 30 U.S.C. 527(d), 528. The regulation consists entirely of duplicated statutory language and adds nothing to the protections of mining claimants' rights already contained in the statute. Because those rights are preserved by the statute and not the regulation, this regulation serves no substantive purpose, and can be deleted without any impact on the regulated community or the United States.

Subpart 3745, concerning the conditions for opening Helium Reserves to mining location and mineral leasing, also consists of unnecessary recitation of the Leasing Act. 43 CFR 3745.1(a) is merely a direct quote of section 9 of the Act, 30 U.S.C. 529. In addition, 43 CFR 3745.1(b) contains language not derived from the Act, asserting that applications filed prior to published notice to open the helium reserves will confer no rights. However, this provision is completely obsolete and without any substantive importance. Merely filing an application cannot confer any rights until the application is approved. Furthermore, Helium Reserves Numbers 1 and 2 were opened in 1955, have since been withdrawn, and BLM has determined that no pre-existing applications under this subpart currently exist. Therefore, because this regulation contains only duplicated statutory language and obsolete provisions, it can be deleted without

affecting the rights of the public at large or altering existing law.

Section 3811.2–7 is also obsolete and will be removed. This section indicates that claims to mine fissionable source material may be located on coal lands under certain circumstances and regulations. This provision is merely informational and is wholly unnecessary. Claims to mine fissionable and other source material on lands valuable for coal are governed by 30 U.S.C. 541i, which withdrew coal-bearing public lands from these types of claims on August 11, 1975. All mining claims on the subject lands became void as of that date, except where a claimant had previously filed a mineral patent application. Therefore, no further claims can be located under the provisions of 43 CFR 3811.2–7, making this regulation obsolete as well as redundant.

Subpart 3824, concerning mining in the Prescott (AZ) city watershed, will also be removed because it consists entirely of restatements from the underlying statute at 16 U.S.C. 482a, internal procedures, and non-binding policy statements. Section 3824.1(a) and the first sentence of 3824.1(c) unnecessarily restate statutory language. Section 3824.1(b), which directs the authorized officer to note certain application terms on the application itself, depicts internal procedures better suited to the BLM Manual. The remainder of 3824.1(c) elaborates on the statutory provision that valid, pre-existing mining claims in this location may be perfected as the claimant desires. This subsection adds nothing to the statutory law by pointing out that ''as the claimant desires'' means claimants can subject themselves to the statutory provisions or not; therefore this section is also redundant and unnecessary.

Subpart 3825, concerning mining on Papago Indian Reservation lands, is partially obsolete. Papago lands were closed to mineral entries in 1955; therefore, the provisions of this subpart pertaining to locating claims are obsolete. However, BLM has determined that there are 11 unpatented claims remaining within the lands owned by the Papago Indians (now known as Tohono O'Odham). These claims are still subject to the restrictions and rental payments described in the existing subpart 3825. Therefore, BLM will revise the regulations in this subpart to incorporate the Tohono O'Odham tribe's name change. Subpart 3825 will be revised in a separate rulemaking, to remove obsolete provisions and rewrite the regulations in plain English.

The final rule published today is a stage of a rulemaking process that will conclude with the removal of 43 CFR subparts 3744, 3745, 3824, and section 3811.2–7, and the revision of subpart 3825. This rule was preceded by a proposed rule which introduced this action and BLM's purpose and need. The proposed rule was published in the **Federal Register** on October 5, 1996 (61 FR 51667). This proposed rule was intended to give anyone who would be adversely affected by this action an opportunity to call their concerns to our attention. The BLM invited public comments for 30 days, and received only one comment, which came from a Federal agency.

II. Responses to Comments

The only comment came from BLM's Arizona state office, which pointed out that there were 11 active, unpatented claims and at least one active mine presently operating on Tohono O'Odham lands, and therefore they recommended we not remove subpart 3825 in its entirety. As a result of this information, BLM proposes instead to only revise 43 CFR subpart 3825 by incorporating the Tohono O'Odham tribe's name change.

III. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the final 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, 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record. BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**).

Paperwork Reduction Act

This 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, 5 U.S.C. 601 *et seq.* (RFA), as amended, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis unless an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Because this rule is limited to removing regulations which have become obsolete or which duplicate statutory language, BLM believes that this final rule will not impact any small entities. Therefore, BLM certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Revising 43 CFR subpart 3825 and removing 43 CFR subparts 3744, 3745 and 3824 and 43 CFR 3811.2–7 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, 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 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 Roger Haskins, Solids Group, Bureau of Land Management, 1849 C Street, N.W., Room 401–LS, Washington, DC 20240; Telephone: 202–452–0355.

List of Subjects

43 CFR Part 3740

Administrative practice and procedure, Mines, Public lands-mineral resources.

43 CFR 3810

Mines, Public lands-mineral resources, Reporting and recordkeeping requirements.

43 CFR 3820

Mines, Monuments and memorials, National forests, National parks, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

Dated: December 1, 1997.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, parts 3740 of Group 3700 and parts 3810 and 3820 of Group 3800, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below:

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

PART 3740—[AMENDED]

1. Part 3740 is amended by removing subpart 3744 in its entirety.

2. Part 3740 is amended by removing subpart 3745 in its entirety.

PART 3810—[AMENDED]

3. The authority citation for part 3810 continues to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 43 U.S.C. 1201 and 1740.

4. Part 3810 is amended by removing Section 3811.2–7 in its entirety.

PART 3820—[AMENDED]

5. The authority citation for part 3820 continues to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 43 U.S.C. 1201 and 1740.

6. Part 3820 is amended by removing subpart 3824 in its entirety.

7. Part 3820 is amended by revising the heading for subpart 3825 to read as follows:

Subpart 3825—Tohono O'Odham (Formerly Papago) Indian Reservation, Arizona

8. Part 3820 is amended by revising all references to the name ''Papago'' in subpart 3825 to read ''Tohono O'Odham''.

[FR Doc. 97–32508 Filed 12–11–97; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1241

[Ex Parte No. 431 (Sub–No. 2)]

Review of the General Purpose Costing System

AGENCY: Surface Transportation Board.

ACTION: Policy Statement; Request for Comments.

SUMMARY: The Surface Transportation Board (Board) is modifying the procedures used for determining the variable cost of using privately-owned rail cars, and requesting comments on certain modifications to the recently adopted procedures used to determine the variable costs associated with rail movements of intermodal traffic.

DATES: The policy statement modifying the costing of privately-owned cars is effective December 12, 1997 . The policy statement revising the procedures for costing intermodal traffic is scheduled to be effective February 10, 1998; if this effective date is delayed, timely notice will be published in the **Federal Register**.

Comments are due January 12, 1998.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 431 (Sub-No. 2) to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423–001.

FOR FURTHER INFORMATION CONTACT: Thomas J. Stilling, (202) 565–1567. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: To provide consistent and comparable information on railroad costs, the Board maintains a general purpose costing system known as the Uniform Railroad Costing System (URCS). This rulemaking was instituted to review the procedures used by the URCS to develop the variable costs of providing rail service. As a result of the comments received, the Board is adopting modifications to the procedures for determining the variable cost of using privately-owned rail cars. In addition, as discussed below, the Board is modifying certain procedures used to develop the costs associated with movements of intermodal traffic, absent objections within 30 days. The Board's decision may be reviewed at the agency's offices in Washington, D.C. during normal business hours. The decision is also available from our Internet site at www.stb.dot.gov or for a charge by calling DC NEWS & DATA INC. at (202) 289–4357.

Intermodal Costing

In response to the reconsideration request of the Association of American Railroads, the Board is proposing to modify several intermodal costing procedures adopted previously in this proceeding. These modifications recognize changes that have taken place in the railroad industry since evidence was last submitted in this proceeding. Unless adverse comments are received, the Board will adopt for the purposes of waybill and URCS movement costing (1) an intertrain and intratrain switching factor for intermodal cars of 4,163 miles, (2) an intermodal car spotted-to-pulled ratio equal to the intermodal car empty-to-loaded ratio, (3) a RoadRailer tare weight of 13.9 tons, and (4) use of our standard default costing procedure to assign locomotive cost to RoadRailer shipments. Absent receipt of comments voicing opposition to this modification within 30 days of this decision, it will become a permanent change effective February 10, 1998. If the effective date of this modification is delayed, timely notice will be published in the **Federal Register**.

The Board certifies that the new procedures will not have a significant economic effect on a substantial number of small entities. The impact on small entities, if any, will be to provide them with better cost estimates.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 5, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97–32565 Filed 12–11–97; 8:45 am]

BILLING CODE 4915–00–P