

Dated: July 2, 1996.

Peter Caulkins,
Acting Director, Registration Division, Office
of Pesticide Programs.

Therefore, it is proposed that 40 CFR
part 180 be 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 § 180.1001 the table in paragraph
(c) and (e) is amended by adding
alphabetically the inert ingredient, to

read as set forth below, and the table in
paragraph (d) is amended by removing
the entry for "Polyvinylpyrrolidone
butylated," follows:

**§ 180.1001 Exemptions from the
requirement of a tolerance.**

*	*	*	*	*
(c) *	*	*	*	*

Inert Ingredient	Limits	Uses
Polyvinylpyrrolidone butylated polymer, minimum number-average molecular weight (in amu) 9,500.		Surfactants, related adjuvant of surfactants and binder.

(e) * * *

Inert Ingredient	Limits	Uses
Polyvinylpyrrolidone butylated polymer, minimum number-average molecular weight (in amu) 9,500.		Surfactants, related adjuvant of surfactants and binder.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[NV-960-1060-00-24 1A]

RIN 1004-AC61

**Adoption Fee for Wild Free-Roaming
Horses and Burros**

AGENCY: Bureau of Land Management,
Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land
Management (BLM) proposes to revise
the procedure used to set adoption fees
for Wild Horses and Burros to allow use
of competitive methods. The purpose of
the amendment is to allow BLM more
flexibility in establishing adoption fees
and to recover a higher proportion of the
associated cost.

DATES: You must submit comments by
September 9, 1996. Comments received
or postmarked after this date may not be
considered in the decision making
process on the issuance of the final rule.

ADDRESSES: You must submit comments
or suggestions to: Director (420), Bureau
of Land Management, 1849 C Street NW,
401 LS, Washington, DC 20240.

Comments can also be sent to Internet:
WOCComment@WO0033wp.wo.blm.gov.
Please include "attn: AC61" and your
name and address in your internet
message. Comments will be available for
public review at 1620 L Street NW,
Room 401, Washington, DC 20036,
during regular business hours (7:45 am
to 4:15 pm), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lili
Thomas, Wild Horse and Burro National
Program Office (702) 785-6457 or Bob
Barbour, Regulatory Management Team
(202) 452-7785.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Rule

In the 1950's a group concerned with
the welfare of America's diminishing
wild horse herds formed under the
leadership of Velma Bronn Johnson.
Better known as "Wild Horse Annie,"
this woman from Nevada, along with
many others, worked to ensure a place
for wild horses and burros on Federal
rangelands.

In 1971, Congress passed The Wild
Free Roaming Horse and Burro Act
recognizing these animals as an integral
part of the natural system they inhabited
at the time of passage. In 1973, BLM
began a program that offered animals for
"adoption" to qualified private
individuals who agree to provide them
humane treatment. The Adopt a Horse
or Burro Program has placed over
141,000 animals in private care.

The existing adoption fee of \$125 for
wild horses and \$75 for wild burros was
implemented in 1982 to recapture a
portion of the adoption cost, limit
adoption to individuals with financial
ability to care for the adopted animal,
and assure that every animal was
adopted as quickly as practical after its
removal from public lands. The
adoption fee was originally set using the
market price of horses in 1982. In the
early 1980's the value of horses and
burros was low because of an
overabundance of these animals in the
market. Currently the market value of
the lowest quality domestic horse is
about \$300, well above the fee BLM
charges. Additionally since 1982 the
cost BLM incurs to feed, provide
veterinary care and transport wild
horses and burros has increased
significantly.

Because of the low adoption fee, there
is a significant economic incentive for
adopters to sell their animals when they
receive title. In addition, the low fee
encourages adoption by individuals
who are not financially able to provide
proper care. Placement of wild horses
and burros to these individuals often
results in animals not receiving proper
care and later having to be repossessed.

As explained within, BLM is
proposing a more flexible approach to
adoption fees to deal with this situation.
Under this adoption system horses and
burros would be offered to the public at

competitive adoptions. Animals not selected by the public through a competitive adoption, would be available at the base fee \$125.00. BLM is not changing the qualification requirements for adoption of a wild horse or burro. Adopters must meet the requirements of 43 CFR 4750 before they are allowed to participate in an adoption event.

An increased adoption fee would also shift some of the cost of the adoption from the general taxpayer to the individuals who benefit directly from this program. Future adoption fees would reflect market value of the animals and strike a balance between supply and demand.

Prior to each adoption event BLM will provide information on how the adoption will be conducted and the method to be used for establishing adoption fees.

II. Procedural Matters

National Environmental Policy Act

The BLM has determined that this rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the proposal would not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM 2, Appendix 2. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and 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.

Executive Order 12866 and Regulatory Flexibility Act

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. The cost of complying with the requirements of the rule is indistinguishable from the requirements imposed by the existing adoption fee regulations. Further, for the same reasons, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the rule will not have a significant economic impact on a substantial number of small entities. The rule does not distinguish between entities based on size.

Federal Paperwork Reduction Act

The provisions for collection of information contained at 43 CFR Part 4710 have previously been approved by the Office of Management and Budget and assigned clearance numbers 1004-0042.

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

Executive Order 12630

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

Unfunded Mandates Reform Act

The BLM has determined that this regulation is not significant under the Unfunded Mandates Reform Act of 1995, because it will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Further, this rule will not significantly or uniquely affect small governments.

Executive Order 12988

The Department has determined that these final regulations *et the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.*

Authors: The principal authors of this proposed rule are Lili Thomas of the Wild Horse and Burro National Program Office and Bob Barbour of the Regulatory Management Team, BLM, assisted by Kim Fondren of the Office of the Solicitor, Department of the Interior.

List of Subjects 43 CFR Part 4700

Animal Welfare, Horses, Penalties, Public Lands, Range Management, Reporting and recordkeeping requirements, Wildlife.

Accordingly, BLM proposes to amend Subpart 4750 as follows:

PART 4700—[AMENDED]

1. The authority citation for Part 4700 continues to read as follows:

Authority: 16 U.S.C. 1331-1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

2. Section 4750.4-2 is revised to read as follows:

§ 4750.4-2 Adoption Fee

(a) Does BLM charge an adoption fee for wild horses and burros?

You must pay a base adoption fee of \$125 for each wild horse or burro you adopt. You will not be charged an adoption fee for orphan foals.

(b) Can the adoption fee be increased?

Yes, BLM may choose to hold a competitive adoption for particular wild horses or burros. At competitive adoptions, qualified adopters under 43 CFR part 4750 set adoption fees through competitive bidding. Horses or burros remaining at the end of a competitive adoption will be available for adoption at the base fee.

(c) Can the adoption fee be reduced or waived?

(1) The BLM Director may reduce or waive the fee when wild horses or burros are un-adoptable at the base adoption fee.

(2) A reduction or waiver of the adoption fee is available only if you are willing to comply with all regulations relating to wild horses and burros.

Dated: June 24, 1996.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-28; Notice 8]

RIN 2127-AF73

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend Standard No. 108, the Federal motor vehicle safety standard on lighting, to afford an option to existing headlamp aiming specifications which is intended to improve the objectivity and accuracy of motor vehicle headlamp aim when headlamps are aimed visually and/or optically. The proposal reflects the consensus of NHTSA's Advisory Committee on Regulatory Negotiation concerning the improvement of headlamp aimability performance and visual/optical headlamp aiming. The Committee was composed of representatives of government, industry, and consumer interest groups.

DATES: Comments are due October 8, 1996.