

because the Agency views these as noncontroversial revision amendments 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 notice. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments must be received on or before November 22, 1996.

ADDRESSES: Written comments on this action should be addressed to Ronald J. Borsellino, Chief, Air Programs Branch, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. In addition, copies of the New Jersey submittal can be found at the New Jersey Department of Environmental Protection, Office of Permit Information and Assistance, 401 East State Street, Trenton, NJ 08625, attention: Chuck McCarty. Copies of the Virgin Islands' submittal can be found at the Virgin Islands Department of Planning and Natural Resources, Division of Environmental Protection, Wheatley Shopping Center #2, St. Thomas, VI 00802, attention: Marilyn Stapleton.

FOR FURTHER INFORMATION CONTACT: Christine Fazio, Permitting Section, Air Programs Branch, at the above EPA address or at telephone number (212) 637-4015.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the final rules section of this Federal Register.

Dated: September 30, 1996.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 96-27129 Filed 10-22-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2360

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

RIN 1004-AC79

National Petroleum Reserve, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to remove 43 CFR part 2360 with the exception of provisions for use authorizations, which will be condensed and rewritten. This action is undertaken because it is not necessary for the provisions proposed for removal to be published in the Code of Federal Regulations. This part consists almost entirely of either provisions found elsewhere in the law or guidance better suited for publication in the BLM manual. In addition, various changes in the law over the last 20 years have made the existing regulations obsolete.

DATES: Submit comments to BLM at the address below on or before November 22, 1996. Comments received which are hand-delivered, postmarked or sent via the Internet 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 Street, 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: AC79", in your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452-5030. Comments will be available for public review at the L Street address during regular business hours 7:45 a.m. to 4:15 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, Realty Use Group, (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 will not necessarily consider or include in the Administrative Record for the rule comments which BLM receives that are hand-delivered, postmarked or sent via the Internet 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

The management of the National Petroleum Reserve-Alaska is primarily under the Naval Petroleum Reserves Production Act, 42 U.S.C. 6501 *et seq.*, and the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq.* These statutes authorize BLM to promulgate appropriate and necessary regulations for the management of the reserves. In light of the regulatory reform initiative currently underway throughout the administration, BLM has determined that the existing regulations at 43 CFR part 2360 are unnecessary, except for portions pertaining to use authorizations. Much of part 2360 contains language intended to guide BLM officers in the exercise of their discretion. The relocation of this language to the BLM manual would provide BLM more flexibility and adequate guidance. The remainder of this part rephrases statutory provisions. The regulatory reform initiative calls for agencies to streamline their regulations to remove unnecessary material, and reorganize remaining provisions in a way that will make them more accessible and efficient, without weakening their effectiveness. BLM believes that the removal of part 2360, except for use authorizations, satisfies these goals without any material impact on the public at large.

Furthermore, numerous changes in the law have occurred which affect the management of the National Petroleum Reserve in Alaska, rendering the current regulations out-of-date. For example, in 1980 the Reserve was opened to gas leasing and Indian allotments, and the role of the U.S. Geological Survey (USGS) was reduced to activities in the Barrow gas fields. In 1983, USGS transferred its Barrow gas fields to the North Slope Borough. As a result, USGS

no longer has any role in the National Petroleum Reserve management program, and references to USGS at section 2361.1 of this part are outdated and unnecessary. This is typical of the changes that have taken place in the Reserve, and BLM intends to review the program to assess what regulations are necessary to enhance our future role. At present, however, the existing regulations do not reflect these changes in the law, and should be removed in order to eliminate further confusion.

Although the use authorization provisions of 43 CFR section 2361.2 are substantially covered by various sections of the Code of Federal Regulations, we will retain portions of section 2361.2 and 2361.3 in condensed form in part 2360. The new part 2360 will eliminate provisions already covered in the Naval Petroleum Reserves Act, limiting the text to only those portions of the existing regulations that are still necessary and useful to the public at large.

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 Public Comment Procedure 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 rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Unfunded Mandates Reform Act

The proposed rule does not include a Federal mandate that will result in the expenditure by state, local or tribal governments in the aggregate, or by 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's 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 excludes 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,

Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 452-7779.

List of Subjects for 43 CFR Part 2360

Alaska; Environmental protection; Land Management Bureau; Natural resources; Oil and gas reserves; Public lands-withdrawal.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2360, Group 2300, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. Part 2360 is revised to read as follows:

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA

Sec.

2360.1 Use authorizations.

Authority: 30 U.S.C. 181 *et seq.*, 43 U.S.C. 1740.

2360.1 Use authorizations.

(a) Except for petroleum exploration authorized by law, anyone wishing to use National Petroleum Reserve land must first obtain a use authorization from BLM. BLM will issue an authorization only for those uses consistent with the purposes and objectives of the Naval Petroleum Reserves Production Act, 42 U.S.C. 6501 *et seq.*, and subject to any terms and conditions that BLM determines are necessary to protect the Reserve's environmental, fish and wildlife, and cultural, historical or scenic values. Contact BLM for an application. However, unless BLM has otherwise limited or restricted use, you will not need use authorizations for (1) subsistence uses (e.g., hunting, fishing, and berry picking), and (2) recreational uses (e.g. hunting, fishing, backpacking, and wildlife observation). Contact BLM for an application.

(b) Any person who violates or fails to comply with regulations of this part is subject to prosecution, including trespass and liability for damages, pursuant to applicable law.

Dated: October 15, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

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