consideration, among other factors, the degree to which:

(1) The proposal addresses the legislative intent of the program and has a well-documented rationale;

(2) The objectives of the proposed project are consistent with the program's rationale, and are measurable and achievable within the project period;

(3) The proposed project's methodology is consistent with the objectives and explained in appropriate detail;

(4) The evaluation is linked to the objectives and addresses the project outcomes;

(5) The applicant demonstrates the administrative and managerial capability to carry out the proposed project;

(6) The proposed budget is complete, appropriate, cost-effective, and clearly justified;

(7) The plan for institutionalizing the project outcomes is specific and realistic; and

(8) The proposal plans to attract, maintain, and graduate minority and disadvantaged students.

(b) In determining the funding of applications approved under paragraph (a) of this section, the Secretary will consider any special factors relating to national needs as the Secretary may from time to time announce in the **Federal Register**.

[FR Doc. 97–26114 Filed 9–29–97; 10:50 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

[WO–350–1430–00–24 1A]

RIN 1004–AC65

Nonmineral Entries on Mineral Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends part 2090 of Title 43 of the Code of Federal Regulations (CFR) to completely remove subpart 2093 because it is redundant and unnecessary. Subpart 2093 sets forth the various statutory authorities governing nonmineral entries on mineral lands, and describes BLM procedures for processing claims and other actions under those statutes.

EFFECTIVE DATE: October 31, 1997.

ADDRESSES: You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street NW., Washington, DC. 20240.

FOR FURTHER INFORMATION CONTACT: Frances Watson, Telephone: (202) 452–5006 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

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I. Background and Discussion of Final Rule
II. Procedural Matters

I. Background and Discussion of Final Rule

The regulations at 43 CFR part 2090, subpart 2093 repeat language of various statutes dating back to 1902 that govern nonmineral entries on mineral lands, and describe BLM's procedures for processing claims and other actions under those statutes. This subpart is duplicative and unnecessary, and BLM has not used it in over 10 years. The portions of subpart 2093 that contain internal procedures have become largely obsolete since nonmineral entries on mineral lands are extremely rare and are unlikely to become any more widespread, given the scarcity of land on which such entries could be available in the foreseeable future and the repeal of the homestead laws. However, should any applications be submitted in the future, BLM will consider each application based on the guidance provided by applicable statutes; no formal procedural program is necessary. Moreover, internal operating procedures are best suited for publication in the BLM Manual. For these reasons, removing subpart 2093 from the CFR is appropriate.

In the November 1, 1996, **Federal Register** (61 FR 56496), BLM published a proposed rule to completely remove subpart 2093 from 43 CFR. The public was given a 30-day period, ending on December 2, 1996, in which to submit comments on the proposed rule. BLM did not receive any comments , so the final rule is being published unchanged.

II. Procedural Matters

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA), and has found that the rule will 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). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record, 1620 L Street, NW, Room 401, Washington, DC. BLM invites the public to review these documents at this address during regular business hours, 7:45 a.m. to 4:15 p.m., Monday through Friday.

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.*, 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. Based on the discussion in the preamble above, that the rule merely removes redundant and unnecessary requirements, BLM anticipates that this final rule will have no significant impact on the public at large. Therefore, BLM has determined under the RFA that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Removal of 43 CFR subpart 2093 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 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 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 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

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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, Civil Justice Reform.

Report 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, BLM submitted a report containing this rule and other required information to the U.S. Senate, U.S. House of Representatives, and the Comptroller General of the General Accounting Office before publication of the rule in today's **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 43 CFR Part 2090

Airports, Alaska, Coal, Grazing lands, Indians—lands, Public lands, Public lands—classification, Public lands—mineral resources, Public lands—withdrawal, Seashores, Veterans.

For the reasons set forth in the preamble and under the authority of 43 U.S.C. 1740, part 2090 of title 43 of the Code of Federal Regulations is amended as set forth below:

PART 2090—SPECIAL LAWS AND RULES

1. The authority citation for part 2090 is revised to read as follows:

Authority: 43 U.S.C. 1740; 43 U.S.C. 1201.

Subpart 2093—[Removed]

2. Part 2090 is amended by removing subpart 2093.

Dated: September 25, 1997.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 97–26007 Filed 9–30–97; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5510

RIN 1004–AC92

Use by Settlers and Homesteaders of Timber on Their Pending Claims and Free Use of Timber Upon Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule completely removes certain sections of Title 43, Code of Federal Regulations (CFR), which govern the free use of timber on public lands and upon oil and gas leases. The rule also removes cross references to these sections. These regulations are obsolete and have not been used in many years. Removing them meets one of the objectives of President Clinton's regulatory reform initiative—to eliminate outdated and unnecessary regulations from the CFR.

EFFECTIVE DATE: October 31, 1997.

ADDRESSES: You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, (202) 452–7779 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

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I. Background and Discussion of Final Rule
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I. Background and Discussion of Final Rule

Section 5511.1–2 of 43 CFR describes procedures that homesteaders may use to obtain free use of timber on public lands. However, no applications have been submitted to the Bureau of Land Management (BLM) under this subpart for many years, principally because of two laws. First, the Taylor Grazing Act of June 28, 1934, 43 U.S.C. 315–315r, requires that lands be classified for the proposed use before occupancy on the land is allowed. Secondly, section 702 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2787), repealed the homestead laws which, in effect, rendered unnecessary the regulatory requirements of Section 5511.1–2.

Similarly, the procedures under Section 5511.1–4, which lessees must use to obtain free use of timber on oil and gas leases, are outmoded. No applications under this subpart have been submitted to BLM in many years, principally because oil and gas lessees no longer need to use timber on their leases because they now have access to modern industrial techniques.

Because Sections 5511.1–2 and 5511.1–4 are obsolete and have no pending applications, the BLM published a proposed rule in the September 13, 1996, **Federal Register**, 61 FR 48455, to completely remove them from 43 CFR. The public was given a 30-day period in which to submit comments on the proposed rule. BLM did not receive any comments.

BLM is making a conforming change to the final rule that will remove the cross references to Sections 5511.1–2 and 5511–1–4 that appear at 5511.2–1(a), 5511.2–5, and 5511.4(b)(2) in 43 CFR. In all other respects, the final rule is the same as the proposed rule.

II. Procedural Matters

National Environmental Policy Act of 1969

BLM has prepared an environmental assessment (EA) and has found that this 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). No environmental impact statement will be prepared. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record, Room 401, 1620 L Street, NW, Washington, D.C. The notice of proposed rulemaking inaccurately reported at 61 FR 48456 that the rule was categorically excluded from the NEPA process.

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., 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. Based on the discussion in the preamble above, that the rule merely removes redundant and unnecessary requirements, BLM anticipates that this final rule will have no significant impact on the public at large. Therefore,

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