Dated: August 25, 1998.

Neil J. Stillman,

Deputy Assistant, Secretary for Information Resource Management.

[FR Doc. 98–26241 Filed 9–30–98; 8:45 am]

BILLING CODE 4120–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2200, 2210, 2240, 2250, and 2270

[WO–420–1050–00–24 1A]

RIN 1004–AC58

Exchanges: General Procedures; State Exchanges; National Park Exchanges; Wildlife Refuge Exchanges; Miscellaneous Exchanges

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is streamlining its exchange regulations at 43 CFR group 2200 by amending § 2200.0–7 of part 2200 and by removing parts 2210, 2240, 2250, and 2270. Section 2200.0–7 states that, apart from the Federal Land Policy and Management Act (FLPMA), the Secretary of the Interior administers various statutes authorizing land exchanges, and that those exchanges may involve BLM-managed lands. If BLM-managed lands are involved, the other statutes will prevail over the regulations in part 2200 to the extent they are inconsistent with the regulations in part 2200. BLM is simultaneously removing parts 2210, 2240, 2250, and 2270 because the regulations in those parts largely restate the substance of the exchange statutes referenced in them and are, in that respect, redundant and unnecessary.

EFFECTIVE DATE: November 2, 1998.

ADDRESSES: You may send inquiries or suggestions to: Administrative Record (630), Bureau of Land Management, 1849 C Street, NW, Room 401LS, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chris Fontecchio, Bureau of Land Management, 1849 C Street, N.W., Room 401LS, Washington, DC 20240; Telephone: 202–452–5012.

SUPPLEMENTARY INFORMATION:

I. Background
II. Final Rule as Adopted
III. Responses to Comments
IV. Procedural Matters

I. Background

Land exchanges involving BLM-managed lands and interest in lands are generally governed by FLPMA of 1976, as amended, 43 U.S.C. 1701 *et seq.*, and the implementing regulations at 43 CFR part 2200. However, various other statutes authorize certain site- and type-specific land exchanges that may involve BLM-managed lands or interests in lands. The terms of these statutes may not be fully consistent with BLM's general land exchange regulations in part 2200. To the extent that an exchange of BLM-managed lands involves such inconsistencies, the conflicting terms of the site- or type-specific statute will prevail over the part 2200 regulations. Provisions currently found at 43 CFR parts 2210, 2240, 2250, and 2270 refer to some of these other site- and type-specific exchange statutes.

In light of the regulatory reform initiative's goals of streamlining the Code of Federal Regulations, this final rule removes the parts which in large measure restate statutory terms and, also, amends section 2200.0–7 to generally advise the public that other statutes governing certain site- and type-specific exchanges will preempt the exchange regulations at part 2200, to the extent that the terms of the statute and the part 2200 regulations conflict. This can be accomplished without significantly affecting the rights of the United States, BLM's customers, or the public at large. This rule finalizes a proposed rule which was published on December 6, 1996, in the **Federal Register** at 61 FR 64658.

II. Final Rule as Adopted

The parts which this rule removes, 43 CFR parts 2210, 2240, 2250, and 2270, are almost entirely devoted to repeating statutory provisions. To the extent that they are duplicative, these regulations serve only to provide information that can be found in the statutes themselves. Furthermore, the few provisions in these parts which go beyond the statutes are provisions which can and should be removed.

For example, removing section 2240.0–3(f) deletes: (1) the requirement that States, political subdivisions thereof, or interested parties requesting public hearings to consider an exchange do so in writing; and (2) the definitions of National Park System and miscellaneous areas. These provisions constitute substance beyond that already contained in the Act of July 15, 1968, 16 U.S.C. 460*l*–22. However, BLM has determined that deleting these provisions does not meaningfully alter its administration of the Act's exchange provisions or significantly affect the rights of the United States or the public. BLM believes the benefits of streamlining and deleting unnecessary material such as part 2240 outweigh the impact of these minor substantive changes.

Next, removing part 2250 eliminates regulatory language stating that lands eligible for exchange under the Act of August 22, 1957, 16 U.S.C. 696, include federally owned property in Florida classified by the Secretary as suitable for exchange or disposal. In fact, the statute requires that lands be ''federally owned property in the State of Florida under [the Secretary of the Interior's] jurisdiction . . . .'' Therefore, any suggestion by the existing 43 CFR 2250.0–3(c) that the land need only be Federal land in Florida, regardless of the Secretary's jurisdiction, contradicts the law. Removing part 2250 will eliminate this confusion and will delete otherwise unnecessary language.

Similarly, removing part 2270 will eliminate a few minor inconsistencies with the governing statutes, but in each case our intention is that these deletions will not have any substantive effect. For example, section 2271.0–3(a) adds the word ''approximately'' to the requirement that exchanges of Indian Reservation land under the Act of April 21, 1904, 43 U.S.C. 149, must be ''equal'' in area and value. In this particular statutory context, BLM has generally interpreted the word ''equal'' to mean ''approximately equal'' to allow the exchanging parties some flexibility in making the exchange as close to equal as is reasonably possible, without risking failure over negligible differences. Although removing part 2270 will eliminate this interpretation from the CFR, BLM advises that it will continue to interpret the term ''equal'' in this way. BLM also advises that eliminating part 2270 will cause several other minor changes, but none that involve any significant substance. To sum up, BLM believes that there are no variances between the statute and the regulations being removed which are significant enough to justify continued publication of these otherwise redundant and unnecessary regulations.

In place of these redundant parts, this rule amends 43 CFR 2200.0–7(b) to include a general provision rather than a reference to the deleted parts. The amended section informs the public that the rules in part 2200 will apply to all exchanges involving BLM-managed lands unless a statute authorizes an exchange to be conducted under different requirements or procedures. As amended, the regulation gives several examples of land exchanges, such as National Park System and National Wildlife Refuge System exchanges, which may require complying with

statutory terms that are not entirely consistent with the part 2200 regulations. The final rule simply recognizes the manner in which BLM has conducted exchanges all along. The only difference is that you will need to look directly to the relevant site- or type-specific statutes to determine if there are inconsistencies, rather than depending upon regulations, if any, that may echo a relevant statute's terms.

Finally, please note that BLM is proposing to remove 43 CFR subpart 2202 in a separate rulemaking. Subpart 2202 is concerned with proposals relating to National Forest land exchanges administered by the Secretary of Agriculture through the Forest Service.

III. Responses to Comments

BLM received two comments to the proposed rule. One commenter had two specific concerns, and asked BLM to withdraw the rule, while the second expressed support and offered a minor suggestion.

The first commenter felt that BLM should offer greater analysis of the statutes which in some respects may take precedence over the general exchange regulations at part 2200. BLM declines this suggestion to offer a lengthy analysis of all relevant statutes, because the existing statutes are numerous, because Congress may pass additional statutes or amendments in the future, and because any analysis of them is beside the point. The purpose of the general language added by this rule to 43 CFR 2200.0–7(b) is simply to point out that the regulations found at 43 CFR part 2200 describe how BLM will conduct certain exchanges unless a statute directs otherwise. It is axiomatic that statutes always take precedence over regulations, and regulations are ineffective to the extent that they conflict with governing statutory law. This final rule does nothing to change how various authorities interact to govern the conduct of land exchanges that the Secretary of the Interior may make.

This first commenter also expressed a concern that by removing subpart 2240 BLM was eliminating protection of local residents' rights to a conveniently-located public hearing concerning exchanges affecting their community. Specifically, the existing language of 43 CFR 2240.0–3(f)(1) says, ''[p]ublic hearings will be held in the area where the lands to be exchanged are located, if a written request therefor is submitted to the Secretary or his authorized officer prior to such exchange, by a State or a political subdivision thereof or by a party in interest.''

This language will be removed, but BLM does not believe this will in any way deprive local residents of the meaningful and conveniently situated public hearing they may seek. The statute from which this provision derives, the Act of July 15, 1968 (16 U.S.C. 460L–22), contains the following language: ''Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located.'' The statute continues to protect the right to public hearings that previously was recognized under the eliminated regulations. We therefore decline to act on this suggestion.

The second comment suggests that BLM retain the language of existing 43 CFR 2271.0–3(a), which states that exchanged lands must be ''approximately'' equal to each other in value and area. This provision derives from the Act of April 21, 1904 (43 U.S.C. 149), which says that exchanges must be ''equal'' in value. BLM declines to act on this suggestion. The proposed rule explained that while we feel that ''approximately equal'' is a permissible interpretation of the statutory term ''equal,'' we do not feel that additional regulations are required to this effect. The regulations at part 2200.6(c) already govern when BLM may interpret ''equal'' to mean ''approximately equal,'' as well as when equalization payments must be made to complete the exchange. Removing part 2270 will not alter the rules in part 2200 for equalizing exchange values.

IV. Procedural Matters

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) and has found that the 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). The BLM has placed the EA and the Finding of No Significant Impact on file in the BLM Administrative Record for this rule at the address listed in the preamble.

Paperwork Reduction Act

The final 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 (RFA) 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 contained in the preamble above, this action will not have significant impact on small entities. Because it is limited to removing repetitive and unnecessary regulations, BLM anticipates that this final rule will not substantially burden any member of the public at large. Therefore, BLM has determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These proposed regulations are not a ''major rule'' as defined by the Small Business Regulatory Enforcement Fairness Act, at 5 U.S.C. § 804(2). The rule will not have a significant impact on the economy, or on small businesses in particular. As discussed above, this rule is limited to removing regulations which duplicate provisions found in existing statutes and adding an explanatory paragraph.

Unfunded Mandates Reform Act

Amending 43 CFR section 2200.0–7 and removing parts 2210, 2240, 2250, and 2270 will not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor do these proposed regulations have a significant or unique effect on State, local, or tribal governments or the private sector. As discussed above, this rule is limited to removing regulations which duplicate provisions found in existing statutes and adding an explanatory paragraph. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Executive Order 12612, Federalism

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, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

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, BLM has determined that the rule would not cause a taking of private property or require further discussion of takings implications under the Executive Order.

Executive Order 12866, Regulatory Planning and Review

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 and was not subject to review by Office of Management and Budget. This final rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This final rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor does it raise novel legal or policy issues.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that this final rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Author

The principal author of this proposed rule is Christopher D. Fontecchio, Regulatory Management Team, Bureau of Land Management, 1849 C Street, NW, Room 401LS, Washington, DC 20240; Telephone 202–452–5012.

List of Subjects

43 CFR Part 2200

National forests; Public lands.

43 CFR Part 2210

Public lands.

43 CFR Part 2240

National parks; Recreation and recreation areas; Seashores.

43 CFR Part 2250

Wildlife refuges.

43 CFR Part 2270

Indians-lands; National trails system; National wild and scenic rivers system; Public lands.

Dated: September 25, 1998.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, parts 2200, 2210, 2240, 2250, and 2270, subchapter B, chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below:

PART 2200—EXCHANGES: GENERAL PROCEDURES

1. The authority for part 2200 continues to read as follows:

Authority: 43 U.S.C. 1716, 1740.

2. Section 2200.0–7 is amended by revising paragraph (b) to read as follows:

§ 2200.0–7 Scope.

* * * * *

(b) The rules contained in this part apply to all land exchanges, made under the authority of the Secretary, involving Federal lands, as defined in 43 CFR 2200.0–5(i). Apart from the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, 43 U.S.C. 1701 *et seq.*, there are a variety of statutes, administered by the Secretary, that authorize land trades which may include Federal lands, as for example, certain National Wildlife Refuge System and National Park System exchange acts. The procedures and requirements associated with or imposed by any one of these other statutes may not be entirely consistent with the rules in this part, as the rules in this part are intended primarily to implement the FLPMA land exchange provisions. If there is any such inconsistency, and if Federal lands are involved, the inconsistent procedures or statutory requirements will prevail. Otherwise, the regulations in this part will be followed. The rules in this part also apply to the exchange of interests in either Federal or non-Federal lands including, but not limited to, minerals, water rights, and timber.

* * * * *

PARTS 2210, 2240, 2250, 2270—[REMOVED]

3. Parts 2210, 2240, 2250, and 2270 are removed in their entirety.

[FR Doc. 98–26290 Filed 9–30–98; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 98–1906]

List of Office of Management and Budget Approved Information Collections Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action revises the Commission's list of Office of Management and Budget (OMB) approved public information collection requirements with expiration dates. This list will provide the public with a current list of public information collection requirements approved by OMB and their associated control numbers and expiration dates.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Judy Boley, Office of the Managing Director, (202)418–0214.

SUPPLEMENTARY INFORMATION:

Order

By the Managing Director:

Adopted: September 23, 1998.

Released: September 25, 1998.

1. Section 3507(a)(3) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(3), requires agencies to display a current control number assigned by the Director of the Office of Management and Budget (''OMB'') for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the Commission's public information collection requirements that have been reviewed and approved by OMB.

3. Authority for this action is contained in Section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and Section 0.231(b) of the Commission's Rules. Since this amendment is a matter of