Dated: November 7, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96–30040 Filed 11–22–96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Part 4100

**[WO–330–1020–00–24 1A]**

**RIN 1004–AB89**

## Grazing Administration, Exclusive of Alaska; Development and Completion of Standards and Guidelines; Implementation of Fallback Standards and Guidelines

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Interior (Department) is adopting amendments to the livestock grazing, regulations of the Bureau of Land Management (BLM) to allow the Secretary of the Interior (Secretary) discretion to postpone implementation of the fallback standards and guidelines beyond February 12, 1997, but not to exceed the 6-month period ending August 12, 1997. The final rule will allow the Secretary to provide additional time for BLM to collaborate with resource advisory, councils (RACs) and the public to develop State or regional standards and guidelines. Without this change to the regulations, fallback standards and guidelines would go into effect on February 12, 1997, despite the fact that work on State or regional standards and guidelines might be nearly complete.

**EFFECTIVE DATE:** This rule will take effect December 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Tim Salt, (202) 208–4896.

**SUPPLEMENTARY INFORMATION:**

I. Background

The current regulations at 43 CFR § 4180.2 require the BLM State Director to develop State or regional standards and guidelines. These standards and guidelines are being developed at the State or regional level, in consultation with affected RACs to reflect local resource conditions and management practices. The standards and guidelines will reflect properly functioning conditions, or those conditions which must be met to ensure sustainability and healthy productive ecosystems and outline best management practices to achieve standards. They will provide the basis for evaluation of rangeland health and subsequent corrective actions. The regulations further provide that in the event State or regional standards and guidelines are not completed and in effect by February 12, 1997, fallback standards and guidelines described in the regulations will go into effect.

This revision of 43 CFR § 4180.2(f) gives the Secretary discretion to postpone the implementation of the fallback standards and guidelines for up to 6 months. The Department is making this change because it has become apparent that development of State or regional standards and guidelines might, in some instances, require longer than the 18-month period provided in the regulation.

The discretion to grant up to a 6 month extension will ensure that BLM State Directors, working with RACs and the public, will have adequate time to develop appropriate State or regional standards and guidelines. In adopting, this final rule, the Department considered the benefits of efficient rangeland administration, effective public participation, and possible impacts resulting from a minor delay. The Department has concluded that 6 months is an appropriate maximum period of extension. Postponing implementation of the fallback standards and guidelines will enhance the efficient administration and promote the long-term health of public rangelands for two primary reasons. First, where locally developed standards and guidelines are nearly complete, implementation of the more general fallback standards and guidelines on a short-term interim basis would be likely to create confusion and increased administrative costs. Second, postponing implementation of the fallback measures will allow the Department to achieve its commitment to improving public land management through a collaborative process that utilizes RAC recommendations, local public input, and consideration of State or regional public rangelands issues. The Department has concluded that the final rule will not have a significant impact on the environment since postponement of the fallback standards and guidelines would be for a limited period of no more than 6 months. Furthermore, the Department does not anticipate that every BLM State Director would need a postponement.

In determining whether to grant a postponement, the Secretary will evaluate whether the requested postponement will promote administrative efficiencies and long-term rangeland health. Factors relevant to this evaluation will include, among others, when the State or regional standards and guidelines are scheduled for completion and whether the delay would promote the efficient administration, use, and protection of the public rangelands.

The final rule will permit the Secretary the flexibility to postpone implementation of the fallback standards and guidelines when the State or regional standards and guidelines are nearly complete. Implementing different sets of standards and guidelines in rapid succession will produce confusion, uncertainty, and increased administrative costs. Furthermore, the Secretary will retain discretion to deny a postponement and implement the fallback standards and guidelines when the State or regional standards and guidelines are far from completion or when a postponement would not promote long-term rangeland health.

II. Response to Comments

The Department received five letters in response to the proposed rule which was published in the Federal Register on August 29, 1996 (61 FR 45385). All five letters supported the proposal to provide the Secretary discretion to postpone implementation of fallback standards and guidelines for up to 6 months. One commentor also suggested that if RACs needed additional time after the Secretary granted a postponement of 6 months, another postponement should be granted. The final rule allows the Secretary discretion to postpone implementation of the fallback standards and guidelines beyond February 12, 1997, but not to exceed the 6-month period ending August 12, 1997. The Department believes that 6 months is an appropriate maximum period of extension. The standards and guidelines are key elements of the new grazing, regulations. Postponing implementation of fallback standards and guidelines until August 12, 1996, provides nearly 2 years since the final rule was published to develop standards and guidelines. To further delay implementing standards and guidelines and realize the anticipated improvement in rangeland health would be inconsistent with the intent of the original regulations.

III. Procedural Matters

*National Environmental Policy Act*

BLM analyzed the impacts of this final rule in accordance with section 102(2)(C) of the National Environmental

Policy Act of 1969 [42 U.S.C. 4332(C)]. BLM has concluded that the final rule will not have a significant impact on the quality of the human environment, and therefore, preparation of an Environmental Impact Statement is not necessary. The characteristics and magnitude of predicted impacts of the amended regulations are unchanged from those identified in the Final Rangeland Reform '94 EIS, except that attaining some management objectives could be delayed slightly in the long term because of the postponement provided by the final rule. Resources would continue to be managed under current practices during that period, including the requirements of 43 CFR 4180.1, Fundamentals of Rangeland Health. This section requires the BLM to take appropriate action upon determining that existing grazing management needs to be modified to ensure conformance with the fundamentals. While the fundamentals are more general than either the fallback or State and regional standards and guidelines, they do require management action and will afford some measure of resource protection and result in improvement in rangeland conditions.

At the same time, implementing the final rule would provide for more public involvement in developing State or regional standards and guidelines. Additionally, where locally developed standards and guidelines are nearly complete, implementation of the more general fallback standards and guidelines on a short term interim basis would be likely to create confusion and increased administrative costs.

*Unfunded Mandates Reform Act*

Amendment of 43 CFR part 4180.2(f) will not result in any unfunded mandate to State, local, or tribal governments in the aggregate, or to private sector, of $100 million or more in any one year.

*Executive Order 12630*

BLM has analyzed the takings implications and concluded that this final rule does not present a risk of a taking of constitutionally protected private property rights.

*Executive Order 12866*

BLM has determined that this final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order.

*Regulatory Flexibility Analysis*

The final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act [5 U.S.C. 601 et seq.].

*Paperwork Reduction Act*

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

*Executive Order 12988*

The Department 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 final rule is Tim Salt, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

List of Subjects for 43 CFR Part 4100

Administrative practice and procedure, Grazing lands, Livestock, Penalties, Range management, Reporting and recordkeeping requirements.

For the reasons stated in the preamble and under the authority of 43 U.S.C. 1740, subpart 4180, part 4100, Group 4100, Subchapter D, of subtitle B of Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below:

Dated: November 18, 1996.

Sylvia V. Baca,

*Acting Assistant Secretary of the Interior.*

## PART 4100—GRAZING ADMINISTRATION—EXCLUSIVE OF ALASKA

1. The authority citation for part 4100 continues to read as follows:

Authority: 43 U.S.C. 315, 315a–315r, 1181d, 1740.

### Subpart 4180—Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration

2. Section 4180.2(f) introductory text is revised to read as follows:

* * * * *

(f) In the event that State or regional standards and guidelines are not completed and in effect by February 12, 1997, and until such time as State or regional standards and guidelines are developed and in effect, the following standards provided in paragraph (f)(1) of this section and guidelines provided in (f)(2) of this section shall apply and will be implemented in accordance with paragraph (c) of this section. However, the Secretary may grant, upon referral by the BLM of a formal recommendation by a resource advisory council, a postponement of the February 12, 1997, fallback standards and guidelines implementation date, not to exceed the 6-month period ending August 12, 1997. In determining whether to grant a postponement, the Secretary will consider, among other factors, long-term rangeland health and administrative efficiencies.

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## NATIONAL SCIENCE FOUNDATION

### 45 CFR Parts 680, 681, 682, 683 and 684

**RIN 3145–AA29**

### Repeal of Standards of Ethical Conduct for Employees of the National Science Foundation and Rules of Practice for the Foundation

**AGENCY:** National Science Foundation.

**ACTION:** Interim rule, with request for comments.

**SUMMARY:** The National Science Foundation is repealing most of its conflict-of-interest rules and standards of conduct regulations. This action is necessary, because they were largely superseded by the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) issued by the Office of Government Ethics (OGE) and by the NSF's Supplemental Standards of Ethical Conduct for Employees of the National Science Foundation (Supplemental Standards), issued by NSF, with OGE's concurrence. The NSF is also promulgating rules of practice, under authority independent of 5 CFR part 2635, which generally maintain and, in some instances, replace current NSF practices. In addition the NSF is temporarily retaining its regulatory waivers issued under 18 U.S.C. 208(b)(2).

**DATES:** Interim rule effective November 25, 1996. Comments are invited and must be received on or before January 24, 1997. Comments will then be evaluated to determine what changes, if any, are needed.

**ADDRESSES:** Send comments to the Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230.

**FOR FURTHER INFORMATION CONTACT:** Charles S. Brown, Designated Agency Ethics Official, Office of the General

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