

Today's clarification does not create an unfunded Federal mandate on State, local, or tribal governments. The clarification does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this clarification.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's clarification does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this clarification.

VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: September 23, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 98-26166 Filed 9-29-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2780

[WO-340-1220-00-24 1A]

RIN 1004-AC53

Special Areas: State Irrigation Districts

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is removing 43 CFR part 2780, regulations concerning the establishment and operation of state irrigation districts, from the Code of Federal Regulations. BLM believes these regulations are obsolete because there is only one record in BLM of their use in the last 40 years. As a result, removing these items will have no impact on BLM customers or the public at large.

DATES: Effective October 1, 1998.

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

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, Bureau of Land Management, Lands and Realty Group, 1849 C Street, N.W., Washington, DC 20240; Telephone: 202-452-7779.

SUPPLEMENTARY INFORMATION:

- I. Background and Discussion of Final Rule as Adopted
- II. Responses to Comments
- III. Procedural Matters

I. Background and Discussion of Final Rule as Adopted

This final rule removes 43 CFR part 2780, Special Areas: State Irrigation Districts, from the Code of Federal Regulations. The regulations in part 2780 implement the Act of August 11, 1916, entitled "An Act to Promote the Reclamation of Arid Lands," 43 U.S.C. 621 *et seq.* Part 2780 was originally issued as Circular Number 592 on March 6, 1918, and has existed in similar form since modified in 1922 to accommodate amendments to the Act. These regulations describe the procedures a state irrigation district uses to apply for secretarial approval of an irrigation plan. If an application is

approved, all unentered public lands within the state irrigation district, and entered lands for which no certificate has been issued, are subject to the same provisions of State law relating to the reclamation of arid lands for agricultural purposes as those which apply to private lands within the district. Such lands are subject to a lien for all taxes and assessments lawfully levied by the district on unpatented land. The district also has the right to sell land that was entered at the time of a tax levy for nonpayment of tax.

We have only one record at BLM of any activity in this program during the last 40 years, occurring in 1971. We accessed our online case recordation system and found no other record of any recent case activity. We also searched a legal data base and found that the last time the statute or implementing regulation was cited in a reported civil case was in 1948. The program's inactivity and absence of civil case citations indicate that this regulation may be obsolete. Furthermore, we believe that the regulations are impractical to administer due to the scarcity of water in public land states for agricultural purposes. For these reasons, we believe that continued publication of 43 CFR part 2780 is unnecessary and contrary to the public interest.

The final rule published today is a stage of a rulemaking process that culminates in the removal of 43 CFR part 2780. This rule was preceded by a proposed rule which introduced this action and BLM's purpose and need. The proposed rule was published in the **Federal Register** on September 13, 1996 (61 FR 48454). This proposed rule was intended to give anyone who would be adversely affected by this action an opportunity to call their concerns to our attention. The BLM invited public comments for 30 days, and received only one comment.

II. Responses to Comments

BLM received one comment from a citizen in Arizona, asking that BLM extend the comment period for 90 days and send the rule and any related information to a wide variety of people, organizations and government entities, so as to solicit the highest level of input. BLM declines to act on this suggestion. The commenter raises a valid point, which is that BLM should try to solicit the most thorough level of public comment for each rulemaking effort. However, in situations such as this where regulations are being removed because they are obsolete, BLM feels, based on our experience, that additional outreach will not generate any

additional comments. Public interest in rulemaking actions which threaten little or no substantive impact tends to be extremely low, and BLM feels the benefits of largely ineffective outreach actions are outweighed by the public's interest in timely and efficient execution of the Regulatory Reform Initiative of 1993, which requires each agency to eliminate obsolete regulations, among other things.

III. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the final 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). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record. BLM invites the public to review these documents by contacting us at the addresses listed above (see ADDRESSES).

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 (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. Based on the discussion contained in this preamble above, this action will not have a significant impact on small entities. Because it is limited to removing provisions pertaining to a program that BLM believes is obsolete, we anticipate 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.

Unfunded Mandates Reform Act

Removal of 43 CFR part 2780 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 final 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 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, the Department of the Interior 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 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.

Author. The principal author of this final rule is Christopher Fontecchio, Regulatory Affairs Group, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240; Telephone 202/273-3448.

List of Subjects for 43 CFR Part 2780

Irrigation, Public Lands—Sale, Reclamation.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 2780, Group 2700, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below:

PART 2780—[REMOVED]

1. Part 2780 is removed in its entirety.

Dated: September 22, 1998.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 98-26139 Filed 9-29-98; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 1, 2, 7, 10, 12, 15, 25, 26, 30, 32, 42, 44, 45, 46, 56, 67, 78, 97, 109, 116, 120, 133, 153, 160, 164, 170, 172, and 199

[USCG-1998-4442]

RIN-2115-ZZ02

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule makes editorial and technical changes throughout Title 46 of the Code of Federal Regulations (CFR) to update the title before it is recodified on October 1. It corrects addresses, updates cross-references, makes conforming amendments, and makes other technical corrections. This rule will have no substantive effect on the regulated public.

EFFECTIVE DATE: This rule is effective on September 30, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG-1998-4442), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Janet Walton, Standards Evaluation and Development Division (G-MSR-2), Coast Guard, telephone 202-267-0257. For questions on viewing, or submitting material to, the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Discussion of the Rule

Each year Title 46 of the Code of Federal Regulations is recodified on October 1. This rule makes editorial changes throughout the title, corrects